

Decision No. 55786**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application  
of RAY F. MAHER, doing business as  
EAST BAY DELIVERY CO., a sole  
proprietorship, for a certificate  
of public convenience and necessity  
as a highway common carrier.

Application No. 36093

ORDER DENYING PETITION FOR REOPENING,  
REHEARING AND RECONSIDERATION

It appearing that Application No. 36093 was one filed pursuant to Decision No. 50448 in Case No. 5478, and

It appearing that pursuant to the procedure established by the Commission for the processing of such applications Decision No. 53879 was issued, dated October 9, 1956, and became effective ninety days after such date, and

It appearing that Decision No. 53879 authorized applicant to transport specifically named commodities between:

- A. Oakland, on the one hand, and points on U. S. Highway 40 between Emeryville and Vallejo, both inclusive, and including Benicia and Alameda, on the other hand.
- B. Oakland, on the one hand, and Martinez, Lafayette, Walnut Creek, Orinda, Concord, Pittsburg and Antioch, on the other hand.
- C. Oakland and Berkeley, on the one hand, and San Leandro, San Lorenzo, Castro Valley, Hayward, Pleasanton, Livermore, Centerville, Niles and Newark, on the other hand, and

It appearing that applicant on October 15, 1957, filed a petition for reopening, rehearing and reconsideration of Decision No. 53879 requesting that Decision No. 53879 be modified to provide for the transportation of general commodities, and

The Commission having concluded that petitioner's failure to file a petition for reconsideration until nine months had elapsed since the effective date of Decision No. 53879 constitutes laches, and

The Commission being of the opinion, therefore, that petitioner may no longer have recourse to the procedure hereinabove mentioned.

IT IS ORDERED that the petition for reopening, rehearing and reconsideration is denied.

Dated at San Francisco, California, this 5<sup>th</sup> day of November, 1957.

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President  
*Donald L. ...*  
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*W. ...*  
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*B. V. ...*  
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*E. ...*  
Commissioners