

ORIGINAL

63002

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ENCINAL TERMINALS, a corporation, for a)
 certificate of public convenience and)
 necessity to extend operations as a)
 highway common carrier for the trans-)
 portation of property.)

Application No. 42856

ORDER DENYING MOTION

Hearings on this application have thus far been held before Examiner Fraser at San Francisco on October 16 and 17 and November 20 and 21, 1961; the matter has now been continued to January 15, 16, 17, 18, 19, 22 and 23, 1962, for further hearings in San Francisco. At the session of November 21, 1961, counsel for a group of protestants moved that a new examiner be appointed, on the ground that certain statements of the present examiner indicate bias and prejudice to the extent that said protestants cannot properly present their case. The motion is necessarily addressed to the Commission. (See San Diego Gas & Electric Company, 56 Cal PUC 219, Decision No. 56498, in Applications Nos. 39679, 39680 and 39681, April 8, 1958.)

We have considered the motion and the material on which it was based, and we now find that the record does not indicate bias or prejudice on the part of the examiner, that the examiner is not biased or prejudiced in this matter, that the conduct of the examiner has not disabled the parties who made the motion from properly presenting their case, that no good cause for disqualification or replacement of the examiner has been made to appear, and that the examiner is not

disqualified from continuing to hear this matter. We conclude that said motion should be denied.

IT IS HEREBY ORDERED that said motion is denied.

Dated at San Francisco, California, this 4th
day of JANUARY, 1962.

President

Clayton Fox

George G. ...

Frederick B. Halbach

Commissioners