

Decision No. 68631**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DIVERSIFIED ENTERPRISES, INC., a)
 corporation, of Whittier, for a)
 certificate to operate as a cement)
 carrier (Application No. T-73,533)
 CMT-G), Ventura County, et al.,)
 (File No. T-73,533).

Application No. 46515

ORDER AMENDING CERTIFICATE AND
 RESCINDING ORDER GRANTING REHEARING

Applicant was granted a "cement carrier" certificate by ex parte Resolution No. 13823, Sub. No. 32. A petition for reconsideration or rehearing was filed by applicant's attorney, requesting amendment of the certificate to include the Counties of Kern, San Diego, and Ventura or in the alternative a hearing to enable applicant to present adequate proof of delivery to the said counties as set forth in Public Utilities Code Section 1063. Applicant's petition was granted by Order Granting Rehearing, dated October 20, 1964. The application filed herein is accompanied by shipping documents which indicate a delivery of a load of cement to each of the Counties of Kern, San Diego, and Ventura by applicant within one year prior to June 1, 1963.

A petition for rehearing was filed by Max Binswanger Trucking, Matich Transportation Co., Daniel Lohnes Trucking Co., Valley Transportation Co., Phillips Trucking and More Truck Lines. Said petition alleged that applicant had not actually transported cement as a cement carrier in good faith within one year prior to June 1, 1963, and continuously thereafter. Petitioners specifically

allege violations of Public Utilities Code Sections 3800 and 3805. Said petition was granted by Order Granting Rehearing, dated September 15, 1964.

In Decision No. 68397, Application of Kenneth D. Francisco, et al., the Commission discussed the meaning of the words "good faith" as employed in Public Utilities Code Section 1063 and the standards of proof required to be met by a successful applicant for "grandfather" authority. Pursuant to the criteria established by said decision, and the proof of transportation and delivery submitted by applicant with its application, the Commission finds that no useful purpose would be served by rehearing of this matter.

Therefore, good cause appearing,

IT IS ORDERED that:

1. Order Granting Rehearing, dated September 15, 1964, in this proceeding, is hereby rescinded.
2. The "cement carrier" certificate granted to applicant by ex parte Resolution No. 13823, Sub. No. 32, is hereby amended to include the Counties of Kern, San Diego, and Ventura.

The effective date of this order shall be ten days after the date hereof.

Dated at San Francisco, California, this 16th day of FEBRUARY, 1965.

Frederic B. Hallock
President

Carl E. Mitchell

George T. Hoover

August

William B. DeWitt
Commissioners

William B. DeWitt