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ORIGINAL

Decision No. 68632

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of HEC Trucking Corporation, a )  
corporation, of San Mateo, for a )  
certificate to operate as a )  
cement carrier (Application )  
No. T-60,804, GMT-G), Santa )  
Clara County, et al, (File )  
No. T-60,804).

Application No. 46521

ORDER RESCINDING ORDERS GRANTING REHEARING

Applicant was granted a "cement carrier" certificate by ex parte Resolution No. 13821, Sub. No. 72.

A petition for rehearing was filed by Miles & Son Trucking Service, Rock Transport, Inc., and Applegate Drayage Company alleging that applicant had not conducted operations in "good faith" as required by Public Utilities Code Section 1063, and further alleging an affiliation with a shipper or shippers of cement. Said petition was granted by Order Granting Rehearing dated September 1, 1964.

A second petition for rehearing was filed by California Portland Cement Company alleging that applicant did not render any transportation service within the "grandfather period" to the Counties of Los Angeles, Riverside, or San Bernardino in that said shipments were "hailed" by Ellis Transportation Company and the freight charges on such shipments were paid by the shipper to Ellis Transportation Company. Said petition was granted by Order Granting Rehearing dated September 22, 1964.

In Decision No. 68397, dated December 22, 1964, 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 of a successful applicant for "grandfather" authority. The Commission also discussed and decided in that decision its interpretation and application of Section 1063 as to subhauling and prime carriage wherein two applicants for "grandfather" authority employ the same movement to qualify for such authority. Pursuant to the criteria established by Decision No. 68397, 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ORDERED that Orders Granting Rehearing dated September 1, 1964, and September 22, 1964, in this proceeding, are hereby rescinded.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of FEBRUARY, 1965.

Fredrick B. Holcomb  
President  
Ed. P. Bitchell  
George L. Hoover  
Walter  
William L. Bennett  
Commissioners