

ORIGINALDecision No. 68739

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of J. M. COSTA and J. M. COSTA, JR., a partnership, doing business as J. M. COSTA & SON, of Morrow Bay, for a certificate to operate as a cement carrier (Application No. T26618, CMP-G), San Louis Obispo County, et al., (File No. T26618).

Application No. 46483

ORDER DENYING REHEARING

Ex parte Resolution No. 13821 (sub No. 5) granted a "cement carrier" certificate to applicant. Miles and Sons Trucking Service, Rock Transport, Inc., Universal Transport System, Inc., and Applegate Drayage Company filed a petition for rehearing. The petitioners allege that the prior operations conducted by applicant during the franchise period were conducted on a subhaul basis only and that such subhaul operation does not and cannot establish the existence of a prior operation as contemplated by the provisions of Section 1063 as amended of the Public Utilities Code, and therefore cannot support the issuance of the cement carrier certificate to applicant. The Commission in Francisco, et al. (Decision No. 68397 in Applications Nos. 46118, 46119, 46120, 46124, 46134, 46196 and 46378), has rejected the contention that subhaul operations do not qualify an applicant for the issuance of a "grandfather" cement carrier certificate.

The Commission having considered each and every allegation of the petition and being of the opinion that no good cause has been shown for granting rehearing,

IT IS ORDERED that rehearing is denied.

Dated at San Francisco, California, this 17th day of

MARCH, 1965.

Fredrick B. Halshoff
President

John E. Hatcher

George H. Hoover

W. J. ...

William W. Bennett
Commissioners