

**ORIGINAL**

Decision No. 68870

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
BAY READY MIX, INC., a corporation, )  
of Costa Mesa, for a certificate to )  
operate as a cement carrier )  
(Application No. T-58,760, CMT-G), )  
(File No. T-58,760). )

Application No. 46459

Russell & Schureman, by Carl H. Fritze, for  
Max Binswanger Trucking, Matich Transporta-  
tion Co., Daniel Lohnes Trucking Company,  
Valley Transportation Co., Phillips Trucking  
and More Truck Lines; Harvey H. Lowthian, Jr.,  
for Kaiser Cement & Gypsum Corporation;  
George H. Roe, for California Portland Cement  
Company; C. R. Boyer and G. B. Shannon, for  
Southwestern Portland Cement Company; and  
O'Melveny & Myers, by Lauren M. Wright, for  
American Cement Corporation; interested  
parties.  
Donald J. Harvey, for the Commission staff.

O P I N I O N

Applicant was granted a certificate as a cement carrier into Kern, Riverside and Santa Barbara Counties. This grant was included in Resolution No. 13823 under Sub. No. 29. By a petition for rehearing it seeks to have this right expanded to include Ventura, Los Angeles, Orange, Riverside and San Bernardino Counties. On September 30, 1964 a Commission order was issued granting rehearing.

A duly noticed public hearing was held before Examiner Power at Los Angeles on February 25, 1965. No appearance was made in behalf of applicant. Since an opportunity to be heard was granted to applicant of which it did not avail itself, the rehearing must be dismissed for want of prosecution.

Nothing in the Commission's following order shall be construed to affect the rights of applicant already granted by Resolution No. 13823.

O R D E R

IT IS ORDERED that Resolution No. 13823, Sub. No. 29, be and it is reaffirmed, and the proceedings for modification thereof are dismissed without prejudice.

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

Dated at San Francisco, California, this 13th day of April, 1965.

Fredrick B. Hallock  
President

John E. [unclear]

George H. Grover

Augusta

Hellen [unclear]  
Commissioners