

ORIGINALDecision No. 68994

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 ANSELMO J. AZZARO, JR., an
 individual, of Santa Clara, for a
 certificate to operate as cement
 carrier (Application No. T-66,195,
 CMT-G), Santa Clara County, et al.,
 (File No. T-66,195).

Application No. 46543

ORDER AMENDING PERMIT AND
 RESCINDING ORDER GRANTING REHEARING

Applicant filed a timely application for "grandfather" cement carrier rights. Two protests to the grant of such authority were filed. By letter dated April 3, 1964, applicant requested that his application be amended so as to grant him a cement contract carrier permit instead of a cement carrier certificate. Ex parte Resolution No. 13820, Sub. No. 13, dated June 23, 1964, and effective August 4, 1964 granted applicant a cement contract carrier permit to the counties he had requested, but limited such permit to "independent contractor subhauling operations only." On August 3, 1964 applicant filed a "Petition for Rehearing". Said petition was granted by Order Granting Rehearing dated August 25, 1964. Thereafter applicant secured the services of counsel who by letter dated January 22, 1965 requested reconsideration of the Commission's action in light of the so-called "Shatto" decision (Decision No. 68397) and pursuant thereto asked that applicant be granted a cement carrier certificate. By letter dated February 5, 1965 counsel for applicant has modified the request for reconsideration and now asks only that the restriction

in applicant's permit limiting his operations to independent contractor subhauling be removed. Applicant has with his application submitted proof of transportation and delivery of cement to the counties to and within which he has been granted a cement contract carrier permit.

The Commission finds that no useful purpose would be served by rehearing of this matter.

Good cause appearing,

IT IS ORDERED that:

1. Order Granting Rehearing, dated August 25, 1964, in this proceeding, is hereby rescinded.

2. The cement contract carrier permit granted to applicant by ex parte Resolution No. 13820, Sub. No. 13, is hereby amended by deleting therefrom the words, "Independent contractor subhauling operations only."

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

Dated at San Francisco, California, this 4th day of MAY, 1965.

Frederick B. Halblaff
President

John E. Mitchell

George T. Hoover

Augustor

William L. Burnett
Commissioners