

ORIGINAL

Decision No. 70352

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
JOSEPH S. LUIZ, an individual doing)
business as LUIZ MILK TRANSPORTATION,)
of San Jose, for a certificate to)
operate as a cement carrier (Applica-)
tion No. T-9,231, CMT-G), Santa)
Clara County, et al, (File No. T-)
9,231).)

Application No. 46406

Martin J. Rosen, for applicant.
John P. Rohrer, for Kaiser Cement & Gypsum
Corp., interested party.
Donald J. Harvey, for the Commission staff.

OPINION AND ORDER

By ex parte Resolution No. 13821, Sub. No. 80, Joseph S. Luiz was granted a "cement carrier" certificate pursuant to recent grandfather legislation. As the result of a petition filed by Miles & Sons Trucking Service, Rock Transport, Inc., and Universal Transport System, Inc., alleging that applicant "did not conduct operations in good faith during the franchise period as specifically required by the language of the Code Section 1063," the Commission issued an order granting rehearing.

Rehearing was held before Examiner Daly on January 18, 1966 at San Francisco. No appearance was made on behalf of protestants and the matter was submitted upon the pleadings.

A review of the application and its supporting documents indicate full compliance with Section 1063 of the Public Utilities Code.

Therefore, good cause appearing,

IT IS ORDERED that ex parte Resolution No. 13821, Sub. No. 80, is hereby affirmed.

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

Dated at San Francisco, California, this 15th day of FEBRUARY, 1966.

Fredrick B. Holdhoff
President

George T. Grover

Augustus

William C. Bennett

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.