

no

Decision No. 70481

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
RELIABLE DELIVERY SERVICE, INC.,  
a corporation, for an extension of its  
Certificate of Public Convenience and  
Necessity to operate as a highway  
common carrier for the transportation  
of property in intrastate and interstate  
and foreign commerce.

Application No. 46295

ORDER AMENDING DECISION NO. 69607  
AND DENYING REHEARING

Reliable Delivery Service, Inc. having filed a petition for rehearing of Decision No. 69607, the Commission having considered each of the allegations thereof, and good cause appearing, IT IS ORDERED that Finding No. 4 of Decision No. 69607 is amended to read as follows:

"4. Applicant has been ordered by this Commission to cease any highway common carrier service between Los Angeles on the one hand, 'and Lancaster, Palmdale, \* \* \* Barstow, \* \* \* on the other hand', and between San Bernardino on the one hand 'and \* \* \* Lancaster, \* \* \* Barstow, \* \* \*' on the other hand, until it shall have secured a certificate of public convenience and necessity from this Commission."

Rehearing of Decision No. 69607, as so amended, is denied.

Dated at San Francisco, California, this 22nd day of

MARCH, 1966.

*Fredrick B. Hillhoff*  
\_\_\_\_\_  
President

*George T. Drove*  
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*August*  
\_\_\_\_\_

Commissioners

*Should grant rehearing  
J. William Brown  
I will file a dissent  
Catherine Mitchell*

COMMISSIONER PETER E. MITCHELL DISSENTING:

I would grant a rehearing to Reliable Delivery Service, Inc. I would go further and reverse Decision No. 69607 and approve the application.

The original order denying the application was signed by a majority of the Commission over six months ago. At that time, both dissenting Commissioners observed the applicant was in violation of a cease and desist order of the Commission. To this date, the majority has not moved to institute an investigation against Reliable Delivery Service, Inc. Thus we have the anomalous situation where Reliable is now operating as a highway common carrier between the areas it requested in an application which was denied by the Commission, while the Commission looks the other way.

If there is any doubt as to Reliable's operation in direct violation of Decision No. 59118, dated August 6, 1959, and Decision No. 69607, dated August 24, 1965 (signed by the majority), the latter decision summarizes the testimony in part: "Applicant apparently has not been providing direct service to the first leg described above except for shipments of 20,000 pounds or more which it carries pursuant to its permits and the record fails to show the frequency of such service. For two or more years, applicant has been providing direct services to the remaining areas."

The majority, in continuing its Fabian policy on the enforcement of the cease and desist order of Case No. 6122, Decision No. 59118, allows Reliable Delivery Service, Inc., to continue its illegal operations, while ostensibly refusing to legitimize its bona fide application.

  
Peter E. Mitchell, Commissioner

San Francisco, California

March 30, 1966