

Decision No. 70512**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 DENYING PETITION
TO "MODIFY" ORDER DENYING REHEARING

Application for a rehearing of Decision No. 69607 was filed by petitioner in time to suspend the effective date thereof "until the application is granted or denied." (Pub. Ut. Code, sec. 1733.) Rehearing was denied March 22, 1966, thus making that date the effective date of the decision.

Petitioner asks that the rehearing denial order be "modified" to "become effective" April 22, 1966, or 30 days from the date of a dissent to the denial of rehearing proposed to be filed by a dissenting Commissioner, whichever first occurs. The purpose of the request is to give petitioner until May 21, 1966 (instead of April 21, 1966) to file a petition for writ of review with the Supreme Court.

Public Utilities Code section 1756 provides in part as follows:

"1756. Within 30 days after the application for rehearing is denied, * * * the applicant may apply to the Supreme Court of this State for a writ of certiorari or review for the purpose of having the lawfulness of the original order or decision * * * inquired into and determined. * * *"

The Commission is without jurisdiction to extend the statutory time for the filing of a petition for a writ of review (Re Minimum Rates, 62 Cal. P.U.C. 435), and IT IS ORDERED that the petition for "modification" is hereby denied.

Dated at San Francisco, California, this 29th day of MARCH, 1966.

Frederick B. Hilchoff
President

George E. Grover

Augusta

Commissioners

*I will file a dissent
Arthur E. Mitchell*

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COMMISSIONER PETER E. MITCHELL DISSENTING:

Refer to my dissent in Decision
No. 70481, Application No. 46295, which
was signed on March 22, 1966.


Peter E. Mitchell, Commissioner

San Francisco, California

March 30, 1966