

ORIGINAL

Decision No. 71085

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PETER MADIAN, NANCY MADIAN, LARRY AGRAN (a partnership) to provide occasional transportation by bus to UNIVERSITY OF CALIFORNIA students, between Berkeley Campus, University of California, and San Francisco Municipal Airport at certain holiday periods; to establish fares.

Application No. 47008

In the Matter of the Application of BARRETT TRANSPORTATION, INC. for authorization to extend operations as a passenger stage corporation between Berkeley and the San Francisco International Airport.

Application No. 47173

Peter Franck, for Madian Partnership, applicant in Application No. 47008 and protestant in Application No. 47173.
Vaughn, Paul & Lyons, by John G. Lyons, for Barrett Transportation, Inc., applicant in Application No. 47173 and protestant in Application No. 47008.
McMorris M. Dow, for the City and County of San Francisco, protestant in Application No. 47008 and interested party in Application No. 47173.
John C. Gilman and Hilton H. Nichols, for the Commission staff.

OPINION ON REHEARING

These consolidated matters are before the Commission on rehearing. On November 9, 1965, the Commission entered Decision No. 69945 which granted Barrett Transportation, Inc. (hereinafter referred to as Barrett) authority to operate airport bus service between Berkeley and the San Francisco International Airport (hereinafter referred to as International Airport). The decision denied the application of Peter Madian, Nancy Madian and Larry Agran, a partnership (hereinafter referred to as the Madians) which sought similar authority. Decision No. 69945 became effective on

November 19, 1965. The Madians filed a petition for rehearing on that date, which was amended on November 26, 1965. The Commission issued an order granting a rehearing on December 21, 1965. Decision No. 69945 was not stayed pending rehearing and is still in effect. (Public Util. Code §1733.)

Rehearing was held at a duly noticed public hearing before Commissioner Grover and Examiner Jarvis at San Francisco on March 2, 1966, when the matter was submitted subject to the filing of briefs by the parties. Barrett, the Madians and the Commission staff filed briefs on or before March 17, 1966.

At the rehearing the Madians were permitted to file an amendment to their application in which they seek authority to render service between Berkeley and International Airport on an on-call basis throughout the year for 20 or more passengers upon 24 hours' notice. The application previously requested authority to render service at certain holiday and semester breaks at the University of California.

On July 11, 1966 the Madians filed a withdrawal of their application. In the circumstances the Commission finds that Application No. 47008 should be dismissed without prejudice.

ORDER ON REHEARING

IT IS ORDERED that:

1. Decision No. 69945 is hereby affirmed.
2. Application No. 47008 is hereby dismissed without prejudice.

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

Dated at San Francisco, California, this 3rd day of AUGUST, 1966.

Robert E. Mitchell
 President
George J. Hoover
Fredrick B. Hilduff
Augusta

Commissioners

I shall set forth my views on the views and regarding Hillman's Service

CONCURRING OPINION

BENNETT, WILLIAM., Commissioner, Concurring Opinion:

This is a matter which should have been disposed of long before now and in my judgment in favor of the applicant Peter Madian. Having taken so long applicant understandably has been discouraged from pursuing the authority requested - and this is regrettable however understandable.


WILLIAM M. BENNETT
Commissioner

San Francisco, California
August 2, 1966