

Decision No. 71704**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

POLLOCK PINES CHAMBER OF COMMERCE,
a corporation,

Complainant,

vs.

GREYHOUND LINES, INC. (Western
Greyhound Lines Division),

Defendant.

Case No. 8358

ORDER TO SHOW CAUSETo Greyhound Lines, Inc. (Western Greyhound Lines Division),
a corporation:

It having been alleged in an application for an order to show cause of Lynn Carman, attorney for complainant in the above entitled proceeding, supported by certain affidavits of Theresa Anderson and Wally Behrens, filed in the above entitled proceeding on December 5, 1966, certified copies of which application and affidavits are annexed hereto and incorporated herein by reference as if fully set forth herein, that the defendant Greyhound Lines, Inc. (Western Greyhound Lines Division) has failed and refused to comply with certain orders of the Commission, as more particularly set forth in said application, wherein complainant prays that the Commission issue its order to defendant to show cause, if any it has, why it should not be held in contempt for failure to comply with the said decision; now therefore, good cause appearing,

IT IS ORDERED: (1) that said Greyhound Lines, Inc. (Western Greyhound Lines Division) be and it is hereby made a respondent herein; (2) that said respondent appear before Commissioner Mitchell or Examiner Cline, or before such other Commissioner or Examiner as may be hereafter designated, at 10:00 o'clock a.m., on Wednesday the 28th day of December, 1966, in the Junior Building, County Fair Grounds, Placerville, California, and then and there show cause, if any it has, why it should not be adjudged in

contempt of the Public Utilities Commission of the State of California and punished therefor according to law.

The Secretary is hereby directed to cause a certified copy of this order to be served upon respondent according to law.

Dated at San Francisco, California, this 13th day of DECEMBER, 1966.

John S. Hatcher
President
George A. Hoover
Frederick B. Wildoff
Augustus
William L. Bennett
Commissioners

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
2 PUBLIC UTILITIES COMMISSION

3 POLLOCK PINES CHAMBER OF COMMERCE,
4 a corporation,
5 Complainant,

DEC 5 1966
SAN FRANCISCO OFFICE
NO. 8358

6 -vs.-

7 GREYHOUND LINES, INC. (Western
8 Greyhound Lines Division),
9 Defendant.

10 EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE IN RE CONTEMPT

11 * * * * *

12 Comes now the complainant in the above entitled
13 matter and moves the above entitled honorable PUBLIC
14 UTILITIES COMMISSION OF THE STATE OF CALIFORNIA for an
15 order upon defendant to show cause, if any it has, at a
16 time and place to be specified therein, why it should not
17 be adjudged guilty of contempt of the said PUBLIC UTILITIES
18 COMMISSION OF THE STATE OF CALIFORNIA, for doing each of
19 the following acts of failing to comply with the order and
20 decision of the said COMMISSION in the above entitled matter,
21 dated October 4, 1966, which order provided:

22 "IT IS ORDERED that:

23 "1. Greyhound lines, Inc. shall, on or before thirty
24 days after the effective date of this order, cease
25 and desist and thereafter abstain from utilizing
26 unreasonable, inadequate and insufficient
27 facilities for the receipt and discharge of passengers
28 at Pollock Pines Junction; and shall furnish
29 reasonable, adequate, efficient, just and
30 reasonable service, instrumentalities, equipment and
31 facilities for the receipt and discharge of passengers
32 at Pollock Pines Junction or at a location or
locations in the immediate vicinity thereof."

The acts of failure to comply with said order are as follows:

(1) That on November 27, 1966, the defendant failed to provide any reasonable, adequate, efficient, just or reasonable service, instrumentalities, equipment or facilities

1 for the receipt of passenger ALBERTA OLDHAM westbound from
2 Pollock Pines Junction, and refused to stop at Pollock Pines
3 Junction except upon the overhead freeway portion of U.S.
4 Highway 50, several hundred yards west of the intersection
5 of Sly Park Road, El Dorado County, California, and then only
6 if the passenger went up on the said overhead freeway and
7 flagged the bus down. Said failure to comply with said order
8 was wilful.

9 (2) That from and since the effective date of said
10 order dated October 4, 1966, defendant has, and is presently,
11 used and using bus stops at Pollock Pines Junction which
12 are unreasonable, inadequate, inefficient, unjust and
13 insufficient. Said bus stops are the bus stops described in
14 the original complaint on file herein, and in defendant's
15 "Description of Location and Facilities for Receipt and
16 Discharge of Passengers at Pollock Pines Junction".

17 (a) There has been no change in the said bus stops
18 located on the said off-ramps described in the original complaint,
19 as to which defendant was ordered to find "new bus stops",
20 except that a bus stop sign has been erected, and some uneven
21 asphalt has been thrown down, following the same contours of
22 the ground as existed before.

23 (b) Said stops are dangerous, unreasonable, inadequate,
24 inefficient, and insufficient, as follows:

25 Westbound Bus Stop: The bus stop sign is positioned
26 in the collecting portion, and in, the drainage ditch visible
27 in defendant's exhibits 2, ## 1 and 2. Passengers are unable
28 to stand beside the sign without standing in the drainage ditch.
29 There is no passageway from the bus stop to any exit from the
30 bus stop: passengers must walk in the highway itself to reach or
31 leave the bus stop, due to the "STOP" sign visible in said
32 pictures. The entire area is so sloping that passengers cannot

1 reasonably or safely stand upon. There is simply no sidewalk
2 or platform here. There is no sidewalk or platform that would
3 meet the minimum requirements of any Uniform Building Code
4 ever published or adopted by any governing body.

5 Eastbound Bus Stop: There is an extremely high 6"
6 asphalt curb between the "platform" and the stopping buses,
7 which is obviously dangerous. The "sidewalk" leading from the
8 "platform" is obstructed by a white metal sign, around which
9 there is only a small one-foot wide passageway for passengers
10 to use: this one-foot passageway is sloping and extremely
11 dangerous. There is a metal arrow, marked "One Way", whose
12 point is at eye-level and head-level for most passengers,
13 on the "platform", constituting an unreasonable and dangerous
14 hazard to passengers standing on the "platform". The surface of
15 the asphalt "sidewalk" is extremely sloping, and extremely
16 uneven, full of dips and rises. The "sidewalk" and "platform"
17 would not meet the minimum requirements of any Uniform
18 Building Code ever published or adopted by any governing body.

19 * * * * *

20 This application is based upon all the papers and
21 orders on file herein, upon the said "Description" filed by
22 defendant, upon the affidavits of WALLY BEHRENS and THERESA
23 ANDERSON, upon Section 2113 Public Utilities Code, and the
24 points and authorities served and filed herewith.

25 WHEREFORE, complainant prays that the above entitled
26 Commission issue its order upon defendant to show cause, if any
27 it has, why it should not be held in contempt for failure to
28 comply with the said decision and order herein dated October 4,
29 1966, and for costs.

30
31 Certified as a True Copy

32 *Noel Coleman*
ASSISTANT SECRETARY 12/13/66
PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

James Anderson
Attorney for Complainant

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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POLLOCK PINES CHAMBER OF COMMERCE,
a corporation,

Complainant,

No. 8358

-vs.-

GREYHOUND LINES, INC. (Western Greyhound
Lines Division),

AFFIDAVIT

Defendant.

10 THERESA ANDERSON deposes and says:

11 That she is a resident of Pollock Pines, El Dorado
12 County, California. That on Sunday, November 27, 1966, her
13 sister Alberta Oldham of Oakland was visiting her, and affiant
14 telephoned the Placerville Greyhound Depot to find the time and
15 place for catching the morning westbound Greyhound bus at
16 Pollock Pines; she was told that at 10:15 a.m. the bus stopped
17 "at the Sly Park Road interchange." Affiant then drove her
18 sister to the interchange, and parked westbound, on the
19 off-ramp of U.S. Highway 50, to wait for the westbound bus,
20 Thereafter two or three westbound Greyhound buses went by on
21 the freeway without coming down the ramp or stopping anywhere
22 to receive passengers. That then a California Highway Patrol
23 officer arrived, and told her she could not stop on the off
24 ramp, and that there would not be another bus westbound until
25 after ^{5:15 p.m. T.A.} that same evening. Thereupon, affiant drove her
26 sister to the Placerville Bus Depot, for lack of any bus
27 service at Pollock Pines westbound.

T.A.

28 That on the prior day, affiant went to the Sly Park
29 Road interchange at Pollock Pines, and saw her said sister
30 get off the eastbound Greyhound bus at and on the eastbound
31 off ramp, of U.S. Highway 50.

32 ~~affiant declares under penalty of perjury that~~

1 Further, in respect to the morning incident of
2 November 27, 1966, affiant telephoned the Placerville
3 Greyhound Depot and asked why the buses were passing them
4 without stopping; and the affiant was then informed that,
5 "Oh, you have to go up on the freeway and flag down the bus",
6 and that she would have to come in to Placerville now to
7 catch a westbound bus, because she had now missed the
8 scheduled westbound bus.

9 Affiant declares under penalty of perjury that the
10 foregoing is true and correct. Executed in Placerville,
11 California, on the 28th day of November, 1966.

Theresa Anderson
THERESA ANDERSON

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14 Certified a True Copy
15 *Noel Coleman*
16 ASSISTANT SECRETARY 12/13/66
17 PUBLIC UTILITIES COMMISSION
18 STATE OF CALIFORNIA

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1 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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3 POLLOCK PINES CHAMBER OF COMMERCE,
4 a corporation,

5 Complainant,

No. 8358

6 -vs.-

7 GREYHOUND LINES, INC. (Western Greyhound
8 Lines, Division),

AFFIDAVIT

9 Defendant.

10 WALLY BEHRENS deposes and says:

11 That he is a resident of Pollock Pines, El Dorado
12 County, California.

13 That on November 10th, 1966, at approximately
14 10:30 A.M., he took an investor in Sly Park Subdivision
15 to the Sly Park Road interchange with U.S. Highway 50 to await
16 the westbound bus. That thereafter a westbound bus on the
17 freeway passed overhead on the freeway overpass, and stopped
18 on the freeway itself just west of the westbound on-ramp, and
19 the driver waved for them to come up on the freeway to get on
20 the bus. That WALLY BEHRENS did so, and the passenger,
21 MRS. NAOMI HIVELY, was thereby forced to board the
22 said westbound bus at that point, on the said freeway itself.

23 That affiant has contacted the lessors of the Safeway
24 shopping center, which is on the intersection of Sly Park Road
25 and old U.S. Highway 50, just a half-block northerly of the
26 Sly Park Road - U.S. Highway 50 interchange, and that said
27 lessor JOHN GEER CHEVROLET, 1616 Eye Street, Sacramento, California,
28 in letter dated October 25, 1966, ~~a copy whereof is attached~~
29 ~~and incorporated~~, has given express permission for Greyhound
30 to use the large parking area at the Safeway shopping center
31 for the receipt and discharge of passengers. That affiant
32 has spoken with JAMES ANDERSON, the Pollock Pines manager of
the said Safeway store, and has received oral approval of

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the use by Greyhound of the said shopping center parking area for such receipt and discharge of Pollock Pines passengers.

That within the past FIVE days, affiant telephoned Mr. Shields, assistant regional manager for defendant, in Sacramento, and asked him where the buses would be stopping as a result of the decision in this case rendered October, 4, 1966, effective (by reason of mailed service October 5, 1966 by the Commission upon the defendant) approximately November 25, 1966; and Mr. Shields stated that Greyhound would continue to use the on-and-off ramps of the Sly Park Road-U.S. Highway 50 interchange.

Affiant declares under penalty of perjury that the foregoing is true and correct. Executed in Pollock Pines, California, on November 28, 1966.

Wally Behrens
WALLY BEHRENS

Certified True Copy
Noel Coleman
ASSISTANT SECRETARY
PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
12/13/66

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
2

3 POLLOCK PINES CHAMBER OF COMMERCE,
4 a corporation,

No. 8358

5 Complainant,

6 -vs.-

7 GREYHOUND LINES, INC. (Western
8 Greyhound Lines Division),

9 Defendant.

10 OBJECTION TO AND COMPLAINT AGAINST PRACTICE SCHEDULED BY
11 DEFENDANT AND AGAINST LOCATIONS FOR BUS STOPS PROPOSED BY
12 DEFENDANT, AND PETITION FOR ENFORCEMENT OF ORDER

13 To the above entitled Public Utilities Commission of the
14 State of California:

15 The complainant alleges:

16 I

17 That defendant has filed with the COMMISSION as of
18 on or about December 2, 1966, a "Description of Locations and
19 Facilities for Receipt and Discharge of Passengers at Pollock
20 Pines Junction", which is referred to and incorporated herein
21 as if fully set forth at length.

22 II

23 That by its order dated October 5, 1966, served upon
24 defendant October 6, 1966, effective fifty days thereafter,
25 the Commission ordered defendant as follows:

26 "IT IS ORDERED that:

27 "1. Greyhound Lines, Inc. shall, on or before
28 thirty days after the effective date of this order,
29 cease and desist and thereafter abstain from utilizing
30 unreasonable, inadequate and insufficient
31 facilities for the receipt and discharge of
32 passengers at Pollock Pines Junction; and shall
furnish and maintain reasonable, adequate, efficient,
just and reasonable service, instrumentalities,
equipment and facilities for the receipt and
discharge of passengers at Pollock Pines Junction or
at a location or locations in the immediate
vicinity thereof.

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2 "2. Defendant, shall, on or before the fortieth day
3 after the effective date of this order, file in
4 this proceeding a full description of the location
5 or locations, and the facilities thereon, to be
6 used by it to receive and discharge passengers at
7 Pollock Pines Junction.

8 "3. Tariff publications or timetable filings
9 required as a result of compliance with the order herein
10 may be made effective on not less than one day's
11 notice to the Commission and the public."

12 III

13 In said complaint, the complainant expressly
14 complained about the use of bus stops located on the eastbound
15 and westbound off-ramps of U.S. Highway 50. That thereafter,
16 the defendant contended it changed its locations to the
17 respective eastbound and westbound on-ramps. That the
18 findings stated:

19 "With respect to the first ground of the complaint,
20 complainant argues that the on-ramps are part of the
21 freeway and defendant argues that they are not. It
22 is not necessary for us to make a determination of that
23 issue because the complaint will be disposed of on
24 other grounds."

25 The decision also failed to make any ruling or
26 consider at all, the objection of complainant to the use of
27 the said highways constituting the said on-and-off ramps, which
28 objection was that Section 22504 Vehicle Code prohibits the
29 stopping of any vehicle on any highway not bounded by adjacent
30 curbs, and --- independently and constituting a different
31 point,--- that stopping on such highway constituted negligence
32 because in violation of said Section 22504 Vehicle Code, and
therein was not reasonable, adequate, and was unreasonable,
and dangerous.

The decision did, however, expressly find that:

" . . . defendant will have to find new bus stops at
which to receive and discharge passengers until such
time, if ever, reasonable, adequate and sufficient
facilities are installed on the ramps."

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IV.

The complainant objects to the proposed bus stops described in said "Description" filed by defendant, in each of the following respects; and complains that said stopping points on said eastbound and westbound highways constiuting the off-ramps of U.S. Highway 50 at Sly Park Road, El Dorado County, California, are unreasonable, unsafe, inadequate, insufficient, not efficient and contrary to the safety, health, comfort and convenience of the Pollock Pines public and the patrons of the defendant carrier, as follows:

V

(1) The scheduled stopping point is on the respective eastbound and westbound off-ramps of said U.S. Highway 50, and are the exact same points complained about in the original petition of complainant, and the COMMISSION in its said decision found that defendant would have to find new bus stops --- other than the said on-and-off ramps ---; and therein, the proposed stopping points are directly contrary to the findings and order of the COMMISSION herein.

(2) The said stopping points are contrary to Sections 451, and 761 Public Utilities Code, and contrary to the order of the COMMISSION, in that they have the following defects:

Eastbound stopping point: The only change in the originally complained about stopping point here is that a "Bus Stop" sign has been erected, and a narrow asphalt covering, following the same steep ground contours on this hill, has been thrown down and called a "sidewalk". The sidewalk is visibly unsafe, unreasonable and dangerous in that: (1) It is too narrow for more than one person to walk upon it at a time, and passengers are in constant danger of falling down the steep hill; (2) The surface of the asphalt is uneven by reason

1 of uneven holes, depressions, rises and other defects in the
2 surface; (3) The surface of the "sidewalk" is not at all
3 level, but slopes at a great degree from the road downwards,
4 following the contour of the original steep hill; (4)
5 A six-inch high, foot-wide barrier exists between the sidewalk
6 and any stopping bus, constituting a great hazard; (5) There
7 is a white sign in the middle of the "sidewalk" which prevents
8 passage, except by use of adjacent one-foot width of sloping,
9 uneven and dangerous asphalt; (6) There is a metal arrow
10 at eye level at the bus stop place which is a constant
11 hazard to the eyes, faces and heads of waiting passengers.

12 The area as found in the decision is in the Sierra
13 Nevadas and exposed to rain, snow and weather, but the
14 proposed schedule does not provide for any shelter or any
15 means of anybody obtaining shelter.

16 The proposed scheduled stop does not provide any
17 telephones for the public or any means of obtaining any
18 telephones for the public.

19 The said sidewalks are suitable for the driving of
20 cattle to slaughter but not for the safe, efficient, and
21 reasonable use by patrons of defendant.

22 There is no provision for lighting of the area
23 either presently or in the future.

24 It is impossible visibly for a passenger with a
25 suitcase to get to the bus stop without (a) turning sideways
26 and edging past the white sign with the suitcase in his right
27 hand or (b) without walking by it with the suitcase in his
28 left hand, distributing his weight outwards and endangering him
29 into falling down the steep hillside.

30 There is not a grandmother or an infant under 12
31 years old who should be allowed to walk upon this entire
32 complex, constituting an obstacle course even to the vigorous
athlete.

1 Westbound stopping point: (a) No one can reach
2 the bus stop place without walking around the visible "STOP"
3 sign, which forces the passenger to walk on the highway itself.
4 There is simply no sidewalk here. (b) The "Bus Stop" sign
5 is implanted in the drainage ditch, and passengers cannot
6 stand in the place indicated by the sign without standing in
7 the drainage ditch. (3) The asphalt thrown down between the
8 highway constituting the off-ramp and the waiting point is
9 extremely sloping, and only about 18 inches wide, and
10 constitutes a hazard for any person to stand thereon; (d) Any
11 person standing on the asphalt between the drainage ditch and
12 the main-travelled portion of the off-ramp does not stand on
13 any "sidewalk", but upon the paved shoulder surface of the
14 highway. (e) The area is also exposed to rain and snow, and
15 there is no provision in the proposed scheduled stop for
16 any shelter, any public telephone, or any lighting, now or ever.
17 (f) Section 22504 Vehicle Code prohibits any vehicle from
18 stopping on a highway in unincorporated territory except
19 at places at which there are adjacent curbs: there are no
20 curbs at the bus stop, and the stopping of the bus at this
21 point constitutes a violation of Section 22504 Vehicle Code
22 and therein constitutes prima facie hazard.

23 Independently, complainant alleges that the COMMISSION
24 has no authority in law or otherwise to direct or authorize
25 the defendant to violate Section 22504 Vehicle Code, and is
26 in excess of and without jurisdiction in allowing any defendant
27 to use any stopping point which the Vehicle Code prohibits.

28 WHEREFORE, pursuant to Section 455 Public
29 Utilities Code, and pursuant to all the statutes, constitutional
30 provisions and rules cited in Paragraph 5 of the original
31 complaint, petitioner complains of and objects to the proposed
32 bus stops located on the off-ramps of U.S. Highway 50 at

1 Sly Park Road, El Dorado County, and prays as follows:

2 (1) That the COMMISSION hear this complaint and
3 petition and objection and upon such hearing,

4 (a) Issue its order disapproving the proposed
5 bus stops;

6 (b) Issue its order specifically enjoining
7 defendant from further continued use of said on-and-off
8 ramps as bus stops for people;

9 (c) Direct the attorney of the commission, pursuant
10 to Chapter 11, Public Utilities Code, to file an action in
11 the Superior Court of the State of California in and for the
12 County of El Dorado, or any other superior court of
13 competent jurisdiction, to enforce the order rendered herein
14 dated October 4, 1966, wherein penalties provided by said
15 Chapter 11, Public Utilities Code, may be assessed against
16 the defendant for violating the said order dated October 4,
17 1966, by continuing, and not refraining from, using
18 unreasonable, inadequate and insufficient facilities for
19 the discharge and receipt of passengers at Pollock Pines
20 Junction, and for failure to provide reasonable, adequate,
21 efficient, just and reasonable service, instrumentalities,
22 equipment and facilities for the receipt and discharge of
23 passengers at Pollock Pines Junction or at location in the
24 vicinity thereof; and wherein, an injunction may permanently
25 issue against the said defendant from ever again using
26 or attempting to use said on or off ramps for the receipt and
27 discharge of people;

28 (d) Otherwise enforce the said order dated October
29 4, 1966, which the COMMISSION may deem proper;

30 (e) For such other and further relief as the
31 COMMISSION may deem proper.

32 Certified as a True Copy

Neil Coleman
ASSISTANT SECRETARY
PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

POLLOCK PINES CHAMBER OF COMMERCE

By

Wally DeKans
President

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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POLLOCK PINES CHAMBER OF COMMERCE,
a corporation,

Complainant,

No. 8358

-vs.-

GREYHOUND LINES, INC. (Western
Greyhound Lines Division),

Defendant.

POINTS AND AUTHORITIES IN RE CONTEMPT

(1) Procedure: Section 2113 Public Utilities Code;
Sections 1209 through 1222 Code of Civil Procedure; Sections
1010 through 1020 Code of Civil Procedure.

(2) Defendant is liable for the acts of its agents.
Section 2109 Public Utilities Code. (No reason is seen for
allowing the defendant to censure its particular driver, as
"exoneration" for its contempt, especially in view of the
fact that the prior incident of November 10, 1966, and the
statement of the Placerville Bus Depot agent show that the
violation of the order was part of a retaliatory pattern on the
part of the defendant.)

(3) There is not even a pretense here on the part of
the defendant of meeting even the minimum standards advocated
by it, and which were rejected by the Commission in its
decision. Complainant submits that defendant is guilty of
wilful contempt of the Commission, and should be punished
accordingly.

Certified True Copy

Neil Coleman

ASSISTANT SECRETARY
PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
12/13/66

[Signature]
Attorney for Complainant

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

2
3 POLLOCK PINES CHAMBER OF COMMERCE,
4 Complainant,

No. 8358

5 -vs.-

6
7 GREYHOUND LINES, INC., (Western
8 Greyhound Lines Division),
9 Defendant.

10
11 POINTS AND AUTHORITIES IN SUPPORT OF OBJECTION,
12 COMPLAINT, AND PETITION FOR ENFORCEMENT OF ORDER

13 (1) Section 455 Public Utilities Code provides
14 that when any schedule stating a practice or rule, no causing
15 a change in rate, is filed with the Commission, that the
16 Commission may upon its own initiative, or upon complaint,
17 at once if it so orders without answer or other formal
18 pleadings, but upon reasonable notice, enter into a hearing
19 concerning the propriety of such practice or rule; and that
20 on such hearing, the Commission shall establish the rule or
21 practice which it finds to be just and reasonable. In the
22 instant case, defendant has filed such a schedule, and it
23 is therefore proper to conduct a hearing to determine whether
24 the new bus stop is just and reasonable.

25 (2) Since the original order prohibited defendant
26 from continuing unreasonable, inadequate and insufficient
27 facilities at this stop, etc., and since the filed "Description"
28 of new stop has never been determined by the Commission to
29 be reasonable, adequate, sufficient, efficient or just, a hearing
30 on the proposed stopping points constitutes a continuation of
31 the original complaint.

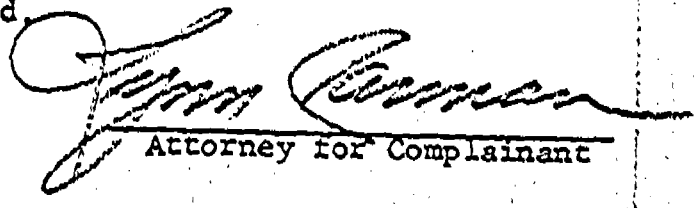
32 (3) Under all the provisions of Chapter 11, Public
Utilities Code, the Commission has plentiful jurisdiction


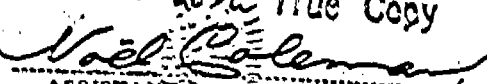
1 in the above entitled case to enforce its order dated
2 October 4, 1966. The duty of the Commission to enforce its
3 orders, and of the Constitution and statutes relating to
4 public utilities, is mandatory. Section 2101 Public
5 Utilities Code. Sections 2102, 2104, 2105, 2106, 2107 and
6 2108 Public Utilities Code provide the procdures, means and
7 penalties and remedies by which to effect enforcement.

8 (4) The complainant stipulates that the Commission
9 may render its decision in this matter without hearing. The
10 testimony and evidence at the original hearing in this case,
11 and the evidence submitted by the defendant in its "Description"
12 filed herein, is more than adequate upon which to render
13 all necessary findings, decisions, orders or decrees.

14 (5) Complainant notes that this matter commenced
15 almost a year ago, and further hearings would result in no
16 final decision for more than a year and a half from the
17 institution of the proceedings. Certainly, both defendant
18 and the complainant are entitled to expeditious and prompt
19 decisions upon facts which are already before the Commission.

20 Respectfully submitted.

21 
22
23 Attorney for Complainant

24 Certified  True Copy
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26 ASSISTANT SECRETARY
27 PUBLIC UTILITIES COMMISSION
28 STATE OF CALIFORNIA
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