

**ORIGINAL**

Decision No. 73616

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the operations, rates,  
charges and practices of J. K. PAUL  
ALLEY.

Case No. 7321

Alvin F. Howard, for Ideal  
Packing Company, petitioner.  
Ray C. Bennett, for J. K. Paul  
Alley, respondent.  
Donald M. Grant, Counsel, and  
J. B. Hannigan, for the  
Commission staff.

OPINION AND ORDER ON REHEARING

The Commission, by its order issued October 17, 1967, has reopened these proceedings for the limited purpose of allowing petitioner Ideal Packing Company, Inc., to present evidence of the validity of its alleged lease with respondent J. K. Paul Alley, referred to in Decision No. 64545, dated November 20, 1962.

In accordance therewith rehearing was held before Examiner DeWolf in Los Angeles on November 15, 1967, and the matter was submitted on oral argument by counsel without the taking of evidence.

Counsel for petitioner Ideal Packing Company, Inc., a California corporation, argued that the Commission is without jurisdiction to make the findings in Decision No. 64545, dated

November 20, 1962, which he alleged in effect determined that said petitioner is indebted to respondent J. K. Paul Alley in a sum in excess of an alleged amount of \$20,000, for the reason that the making of said order was without notice to petitioner and without a fair and impartial hearing, violated petitioner's rights under the Constitution of the State of California and under the Constitution of the United States, and, particularly, petitioner's rights to due process of law, as provided in Article I, Section 13 of the Constitution of the State of California, and as provided in the Fifth and Fourteenth Amendments of the Constitution of the United States.

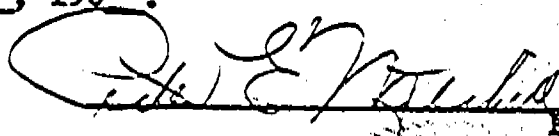
The only issue which would affect Ideal in this case one way or the other was the validity of an alleged lease between Ideal and Alley. The Commission's order, issued October 17, 1967, reopening the proceeding was for the purpose of giving Ideal an opportunity to present evidence and argue this point. Ideal, however, declined to offer any evidence and confined its argument to the premise that the Commission was without jurisdiction to make certain findings in Decision No. 64545 dated November 20, 1962.


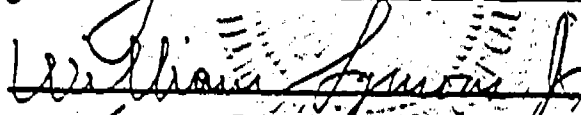
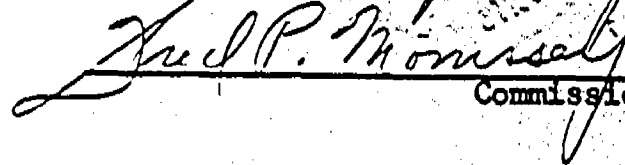
No evidence having been received in this matter and it appearing that no legal ground exists to annul or modify Decision No. 64545, dated November 20, 1962, the Commission concludes that said decision should remain in full force and effect.

IT IS ORDERED that these proceedings are hereby closed and that all findings of fact and conclusions in Decision No. 64545 dated November 20, 1962, are confirmed and in all respects Decision No. 64545 shall remain in full force and effect.

The Secretary of the Commission is directed to cause personal service of this order to be made upon respondent and Ideal Packing Company, Inc. The effective date of this order shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 16<sup>th</sup> day of JANUARY, 1966.

  
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President

  
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Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.