

sjg/ms \* \*

ORIGINAL

Decision No. 79433

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of

SYSTEM 101,  
A California corporation,

under sections 816-830 of the Public  
Utilities Code for a permit to issue  
capital stock (amended title).

Application No. 52593

ORDER DENYING REHEARING AND  
FOR MODIFICATION OF DECISION NO. 79191

System 99 filed a petition for rehearing of Decision  
No. 79191 herein on October 8, 1971.

The Commission has considered each and every allegation  
thereof and finds that:

1. Good cause for rehearing has not been set forth.
2. Decision No. 79191 should be modified in the manner  
set forth in the ensuing order.

Therefore, IT IS ORDERED that:

1. Rehearing of Decision No. 79191 is hereby denied.
2. On mimeograph page 4 of Decision No. 79191, immediately  
following the first full paragraph thereof, there is inserted the  
following:

"Where, as here, a change of corporate name is effected pursuant to statutory provisions and is evidenced by a certificate of the Secretary of State, and a competing carrier, "System 99", alleges that applicant, by such change, is attempting to use a deceptive trade name, "System 101", which would infringe upon protestant's rights to use its name, the Commission lacks jurisdiction to adjudicate such alleged improper use of a trade name. The Commission merely receives the changed name and causes its records to reflect the change. Contentions made concerning the attempted unfair use of the changed name and the competitive effect thereof should be raised in and resolved by a Court having appropriate jurisdiction."

3. On Mimeograph page 4 of Decision No. 79191, immediately following Finding No. 3, there is inserted the following:

"4. The Commission lacks jurisdiction to adjudicate the claim of "System 99" that applicant is attempting to use a deceptive trade name to wit "System 101" which would infringe upon System 99's right to the use of its name."

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 7th

day of DECEMBER, 1971.

*I abstract*  
*William J. Human*

William Lyons Jr. Chairman  
John L. Stanger  
[Signature] Commissioners