

**ORIGINAL**Decision No. 81844

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  
LLOYD CANNON, an individual, doing  
business as LLOYD CANNON TRUCKING;  
CERTIFIED GROCERS OF CALIFORNIA,  
LTD., and GARDEN STATE PAPER COMPANY,  
INC.

Case No. 9363

OPINION AND ORDER DENYING REHEARING

Lloyd Cannon, doing business as Lloyd Cannon Trucking, has filed with the Commission a petition for rehearing or modification of Decision No. 81467. Petitioner contends that he is prejudiced by the lapse of time between submission of the matter on October 3, 1972, and the issuance of the decision on June 12, 1973, in that he is now barred by Section 339(1) of the Code of Civil Procedure from collecting the lawful charges, and would not have been barred had the decision issued in December 1972. Section 339(1) of the Code of Civil Procedure, however, is not applicable. Section 3671 of the Public Utilities Code sets forth a three-year statute of limitations for the collection of lawful charges by a highway permit carrier, such as petitioner. All of the charges in issue here are for hauls made during and after January of 1971. Petitioner can presently file suit to collect all of the lawful charges, and will be able to do so until January of 1974. He therefore has not been prejudiced by the time period required to issue the decision in this case.

All other allegations and grounds raised in the petition have been considered by the Commission and are deemed to be without merit. The Commission is of the opinion that good cause

for hearing or modification of Decision No. 81467 has not been shown.

IT IS ORDERED that the petition for rehearing or modification of Decision No. 81467 is hereby denied.

Dated at San Francisco, California, this 5<sup>th</sup> day of SEPTEMBER, 1973.

Vernon L. Sturgeon  
President  
William Symons J.  
Michael E. ...  
...  
Commissioners