

Decision No. 82936**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SYSTEM 101, a corporation, for an extension of its Certificate of Public Convenience and Necessity to operate as a highway common carrier for the transportation of property in intra-state and interstate and foreign commerce. (Amended title.)

Application No. 52253

ORDER DENYING RECONSIDERATION
AND REHEARING

A petition seeking reconsideration and/or rehearing of Decision No. 82604 was filed by System 101 (applicant) on April 8, 1974. Said petition primarily alleges that the Commission has erred in failing to recognize the "unlawful combinations in restraint of trade to eliminate competition" (Petition, p. 4) engaged in by its competitors, the protestants herein. In support of its allegations, applicant points to the protestants' actions in seeking review of Decision No. 80497, which granted a certificate of public convenience and necessity for its expanded operations as sought in its Application No. 52253, and in allegedly delaying the decision for three and one-half years and causing the Commission to reverse its previous findings.

The record clearly indicates that protestants have merely exercised their right to seek rehearing of Decision No. 80497 in accordance with Section 1731 of the Public Utilities Code. Such participation does not constitute an unlawful combination in restraint of trade as characterized by System 101.

Accordingly, we must conclude that the activities of the protestants herein were clearly proper, and that good cause for

reconsideration or rehearing of Decision No. 82604 has not been shown,

IT IS THEREFORE ORDERED that reconsideration or rehearing of Decision No. 82604 is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27th day of

MAY, 1974.

Vernon L. Johnson
President
William L. Brown, Jr.
[Signature]
[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.