

BP

ORIGINAL

Decision No. 82994

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EDGAR R. CUDE, an individual, doing)
business as ACTIVE TRUCKING SERVICE,)
for a Certificate of Public Convenience)
and Necessity to operate as a highway)
common carrier for the transportation)
of property in intrastate and interstate)
and foreign commerce.)

Application No. 52790

ORDER CONTINUING SUSPENSION

On April 25, 1974, protestants in the above-entitled matter petitioned for "...reconsideration and rehearing of Decision No. 82748 and order for further suspension". By a reply filed May 23, 1974, applicant argues, among other things, that protestants' filing does not constitute a "petition for rehearing".

Considering the whole of the subject petition, it is clear to us that petitioners are asserting error in Decision No. 82748. Looking to the substance of the petition, it is implicit, if not explicit, that protestants are alleging violations of constitutional rights to due process and violations of Section 1705 of the Public Utilities Code. Thus, we do consider the subject filing as a "petition for rehearing".

It follows therefrom that the order of Decision No. 82748, issued April 16, 1974, was automatically suspended under Public Utilities Code Section 1733. However, under this Code section the suspension will lapse on June 24, 1974, unless continued by us. At this time it appears that action on the petition may not be possible by June 24, 1974.

THEREFORE, and good cause appearing, it is ordered that the suspension of Decision No. 82748 is hereby continued pending further order of the Commission.

Dated at San Francisco, California, this 18th day of JUNE, 1974.

I abstain:

~~William L. Steyer~~, Commissioner

~~William L. Steyer~~ President
~~William L. Steyer~~
~~William L. Steyer~~
~~William L. Steyer~~
~~William L. Steyer~~ Commissioners