

Decision No. 84622

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Southern California Commuter Bus
Service, Inc., a California
corporation,

Complainant,

vs.

Garlene Zappitelli, an individual,

Defendant.

Case No. 9797

ORDER GRANTING REHEARING

On September 23, 1974 Southern California Commuter Bus Service, Inc., a California corporation, filed a complaint with the Commission against Garlene Zappitelli (Zappitelli). This complaint alleged that Zappitelli was operating as a passenger stage corporation without a certificate in violation of Section 1031 of the Public Utilities Code, and requested among other things, that the Commission issue an immediate cease and desist order. On October 8, 1974, the Commission issued an interim cease and desist order, pending disposition of the complaint proceeding and further order of the Commission.

A public hearing was held on December 11, 1974. On April 15, 1975, Decision No. 84316 was issued, in which the Commission found that Zappitelli was operating as a passenger stage corporation without a certificate of public convenience and necessity as required by Section 1031 of the Public Utilities Code, and ordered Zappitelli to cease and desist such operations. The Commission also set forth guidelines in Decision No. 84316 for individuals using vans for car pools who wish to avoid passenger stage regulation.

On May 5, 1975, the State of California Department of Transportation filed a petition seeking rehearing of Decision No.84316, or, in alternative, further hearings for the purpose of reconsidering the guidelines set forth in Decision No.84316.

Having fully reviewed this petition, we are persuaded that good cause for rehearing of Decision No.84316 has been made to appear. Because of the importance of the issues involved in this proceeding, we are concurrently issuing an Order Instituting Investigation (OII) for the purpose of establishing guidelines for the operation of private vehicles, including vans, over the public highways of this State as car pools by those who wish to avoid passenger stage regulation. The rehearing ordered herein shall be consolidated with the investigation so instituted for the purpose of hearing.

IT IS THEREFORE ORDERED that rehearing of Decision No.84316 is hereby granted, to be held before such Commissioner or Examiner and at such time and place as will be hereafter designated.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 15th day of JULY, 1975.

I dissent.

There is no showing that the Commission acted illegally, arbitrarily or in any way abused its discretion in issuing order D. 84316 - For this reason I would not grant rehearing.

William L. Sturgeon, Commissioner

William L. Sturgeon President
Vernon L. Sturgeon

John H. Hubert Commissioner

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Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.