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ORIGINALDecision 84 C9 035

SEP 6 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of R. Mitchell Morgan)
 and Richard E. Rhoades, a)
 partnership, dba MASTER SHUTTLE)
 SERVICE, for authority to operate)
 as a passenger stage, between points)
 in Yuba and Sutter and Sacramento)
 and Solano Counties and points in)
 these counties and service between)
 Beale AFB, CA. and Travis AFB, CA.)

Application 84-03-03
 (Filed March 2, 1984)

ORDER GRANTING
 REHEARING OF DECISION
(D.) 84-07-050

On July 23, 1984, an application for rehearing of D.84-07-050 was filed by Robert White, doing business as Yuba Sutter Airporter Service. Pursuant to Section 1733(a) of the Public Utilities Code, that filing stayed the order for 60 days unless this Commission acts within that time to grant or deny rehearing or to extend the stay. A response thereto, asking that rehearing be denied has been filed by the applicants in this proceeding.

We have carefully considered each and every allegation of error and argument in these filings and are of the opinion that good cause for granting rehearing has been shown. It is clear from a review of the formal file in this proceeding that the time for filing protests to A.84-03-03 under Rule 8.3 had not expired when Robert White filed his protest on April 18, 1984. This was the inevitable result of the applicants' failure to provide a

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timely certificate of service showing the date upon which the copies of A.84-03-03 were mailed to the required entities (see Rule 21(k), Rules of Practice and Procedure). Therefore the protest was timely filed and will be considered.

Furthermore, by letters dated April 6, 1984 and April 11, 1984 the applicants and their counsel have provided supplemental and revisionary materials to A.84-03-03. To be considered, such material should properly be the subject of an amended application. To remedy these deficiencies, we will not schedule the rehearing ordered herein for at least 30 days after the applicants have filed such an amendment and, at the same time, a proof of service by mail upon all parties entitled thereto under Rule 21(k) of the Rules of Practice and Procedure and upon the protestant.

Since there has been no prior hearing in this application, the parties at the rehearing ordered herein should be prepared to proceed with their showings in accordance with provisions of Rule 57 of the Rules of Practice and Procedure as to applications. Finally, inasmuch as the protest already filed raises issues as to facts upon which the Commission may rely, the stay of the order in D.84-07-050 already in effect should be continued until further action of this Commission.

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Therefore, good cause appearing,
IT IS ORDERED that,

1. Rehearing of D.84-07-050 is granted. Said rehearing to be held at such time and place and before such Commissioner or Administrative Law Judge as shall hereafter be determined.

2. The order in D.84-07-050 is stayed pending further order of this Commission.

This order is effective today.

Dated SEP 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

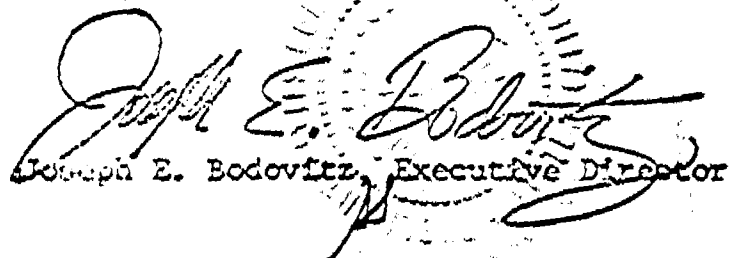
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY:


Joseph E. Bodovitz, Executive Director