

L/ bjk \*

ORIGINAL

Decision 88 01 023 JAN 13 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IDEAL PALLET SYSTEM, INC.  
a California Corporation, and  
MEL MERMELSTEIN, an individual.

Complainant,

vs.

SOUTHERN PACIFIC TRANSPORTATION  
COMPANY, SOUTHERN PACIFIC LAND  
COMPANY, SOUTHERN PACIFIC INDUSTRIAL  
DEVELOPMENT COMPANY,

Defendants.

Case No. 86-12-028  
(Filed December 15, 1986)

ORDER DENYING APPLICATION FOR  
REHEARING OF D.87-10-034

An application for rehearing of D.87-10-034 has been filed by Ideal Pallet System, Inc. and Mel Mermelstein. We have carefully considered all of the allegations contained in the application and are of the opinion that rehearing should be denied. However, the decision should be modified, as described below. THEREFORE,

IT IS ORDERED that:

1. Finding of Fact No. 5 is modified to state:

"5. Ideal failed to present persuasive evidence that it requested that it be permitted to store lumber on its leased parcel."

2. The word "Warner" in Finding of Fact No. 6 is modified to read "Wintersberg";

3. In the second paragraph on page 18, the words "in writing" are added after the first word on line 8;

4. The following is added after the third full sentence on page 16:

"That section specifies that if a shipper applies for a connection between the railroad track and the shipper's private track or spur line from its track to the door of the shipper such a connection or spur shall be made by the railroad 'if the connection is reasonably practicable and ... if the business which may reasonably be expected to be received by the railroad corporation over the connection is sufficient to justify the expense of the connection to the railroad corporation.'"

5. Rehearing of D.87-10-034, as modified herein, is denied:

6. The stay of D.87-10-034, is hereby lifted.  
This order is effective today.

Dated JAN 13 1988, at San Francisco, California.

DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

Commissioner Stanley W. Hulett  
being necessarily absent, did  
not participate.

CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

*Victor Weiss*  
Victor Weiss, Executive Director

L/SE/bjk

Decision 88 01 025 JAN 13 1988

ORIGINAL

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