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Decision 92-10-027 October 6, 1992

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Babaeian Transportation Company,)
a California corporation, dba)
Checker Cab Co., dba Burbank)
Taxi, dba Pasadena Taxi,)

Complainant,)

vs.)

Southern California Transit)
Corporation, a California)
corporation, dba People Car)
Service,)

Defendant.)

Case 91-04-016
(Filed April 15, 1991)

ORDER MODIFYING DECISION 92-07-041
AND DENYING REHEARING

An application for rehearing of Decision (D.) 92-07-041 has been filed by Southern California Transit Company (SCTC). In that decision the Commission granted the complaint filed by Babaeian Transportation Company, an unauthorized taxicab corporation, alleging that Defendant had violated General Order 157, Part 3.03, by operating a taxi service without a license, and revoked Defendant's charter-party authority. We have reviewed each and every allegation now set forth by SCTC and are of the opinion that sufficient grounds for granting rehearing have not been shown.

The application for rehearing alleges legal error on the following grounds: 1) That the proposed decision filed by the administrative law judge was improperly filed; and 2) That there

was no due process in the revocation of SCTC's permit. These allegations are entirely vague and unsubstantiated. The two page application for rehearing filed by SCTC neither discusses or explains in any manner the allegations. Nor is any supporting authority cited by SCTC in support of these vague allegations. Therefore, we have determined that the application for rehearing fails to comply with Rule 86.1 of the Commission's Rules of Practice and Procedure. Rule 86.1 requires applications for rehearing to set forth with particularity the grounds upon which legal error is based. The Rule also explicitly cautions applicants for rehearing that vague assertions as to the record or the law, without specific citation, may be accorded little weight. Accordingly, we have concluded that the application for rehearing filed by SCTC should be denied.

In the course of reviewing the application for rehearing, we have, however, determined that the decision should be modified to clarify our interpretation of the language in Public Utilities Code Section 311 and Rule 77.1 of the Commission's Rules of Practice and Procedure, which indicates that the proposed decision of the administrative law judge should be filed within 90 days after the matter has been submitted. This language is directory but does not provide that the Commission loses jurisdiction to issue a decision if that time frame is exceeded. This is consistent with our previous interpretation in Re Regulation of Used Household Goods Transportation by Truck, 38 CPUC 2d 559, 579 (1990). Therefore,

IT IS ORDERED that:

- 1) The following language is added after the fourth sentence in the second paragraph on page 3 of the decision:

One comment deserves a particular response. Defendant asserts that the proposed decision was improperly filed because it was filed more than 90 days after the matter had been submitted, in violation of Rule 77.1 of the Commission's Rules of Practice and Procedure.

As we previously clarified in Re Regulation of Used Household Goods Transportation by Truck, 38 CPUC 2d 559, 579 (1990), this rule is directory, but does not provide that the Commission loses jurisdiction to issue a decision if the time limit is exceeded. In the instant case, Defendant has failed to demonstrate that the Commission loses its jurisdiction after the 90 day period, nor that it was in any way prejudiced by the late-filing of the decision.

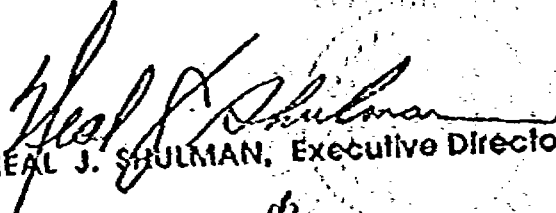
2) Rehearing of D.92-07-041, as modified herein, is denied.

This order is effective today.

Dated October 6, 1992 at San Francisco, CA.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUNWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director