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Decision No. 91785 MAY 6 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of WORLD WIDE JOYE TOURS,)
INCORPORATED for Certificate of)
Public Convenience and Necessity)
to Operate Escorted and Guided)
Tour Passenger Service Between)
All Points in California with)
Return to Fresno.)

Application No. 59254
(Filed November 2, 1979)

ORDER GRANTING REHEARING
AND DENYING STAY

Yosemite Park & Curry Company (Yosemite) has filed a petition for rehearing and stay of Decision No. 91299 in which we granted to applicant World Wide Joye Tours, Inc. (World) a certificate of public convenience and necessity to operate as a passenger stage corporation between Fresno and various places of interest in this state. Yosemite alleges that World did not, as required by Rule 21(f) of the Commission's Rules of Practice and Procedure, give adequate notice to Yosemite as to the pendency of this application. As a consequence, Yosemite could not timely file any protest to these proceedings. Yosemite urges that we should grant rehearing so that its protest and evidence can be heard. We agree.

World filed no response to the instant petition for rehearing; we are as a result in the dark as to why notice of World's application was not served upon Yosemite. We must assume no good reason exists for this failure of service.

While we are disposed to grant rehearing, we will deny Yosemite's petition for stay of Decision No. 91299 and suspension of World's certificate since to do so might result in unjustified

and irreparable damage to World in the event Yosemite's substantive allegations are later determined to be unmeritorious.*/

IT IS ORDERED that rehearing of Decision No. 91299 is hereby granted; and,

IT IS FURTHER ORDERED that stay of Decision No. 91299 is hereby denied.

Dated MAY 6 1980 , at San Francisco, California.

John E. Byron
President

Vernon L. Sturgeon

Richard W. Hurd

Alvin T. Darrin

Arnold M. Quinn
Commissioners

*/ Due to the manner in which we dispose of Yosemite's petition, we need not and do not reach Yosemite's substantive allegations. We therefore offer no comment on and withhold judgment with respect to the merits of those allegations.