

L/pm

Decision No. 92500 DEC 5 - 1968

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of EMERY AIR FREIGHT CORPORATION,)
a Delaware corporation, for a)
Certificate of Public Convenience)
and Necessity to Operate as a)
Highway Common Carrier for the)
Transportation of Property in)
Intrastate Commerce.)

Application No. 59809

ORDER DISMISSING PETITION FOR
SUSPENSION, RECONSIDERATION
AND REHEARING

SS ✓
California Trucking Association (CTA) has filed a Petition for Suspension, Rehearing and Reconsideration of Decision No. 92323. Emery Air Freight Corporation (Emery) has filed a Motion to Dismiss CTA's petition on the ground, among others, that CTA has failed to show that it is a proper party to seek rehearing as required by Section 1731 of the Public Utilities Code.

SS ✓
The Commission is of the opinion that Emery's motion is well taken and should be granted. CTA has not shown by verified application or otherwise that it is a stockholder or bondholder of Emery. Nor has CTA shown that it is otherwise pecuniarily interested in Emery, the utility affected, as required by Section 1731 of the Public Utilities Code. CTA's application for suspension or reconsideration differs in form only from its related petition for rehearing. Having failed, after notice of the application of Emery, to become a party in the proceeding. it should not now be permitted to reinstitute the proceeding under the statute with which it has failed to timely comply, ~~Therefore,~~

In addition to CTA's petition, the Commission staff has received a number of informal inquiries concerning the effect of Decision 92323. As a result of these inquiries, staff suggests that the decision be modified to clearly limit the decision to Emery and to indicate that the decision has no effect on the Commission's reregulation program for general commodity transportation adopted in Decision 90663.

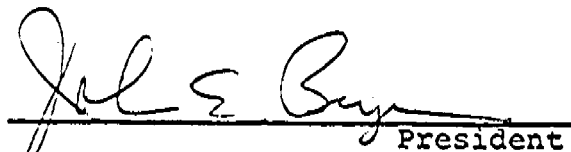
In our opinion, the staff's suggested modifications are unnecessary. The decision does not amend or modify in any respect our program to reregulate general commodity transportation and thus requires no modification to prevent this effect. Neither is there any need to modify the decision to limit its application to Emery. The decision is already clearly limited to Emery and, more importantly, limited to the special circumstances affecting Emery. No other carrier's operations were at issue, and no other carrier is subject to the decision. Therefore,

IT IS ORDERED that the petition of California Trucking Association for suspension, rehearing and reconsideration of Decision No. 92323 is dismissed.

The effective date of this order is the date hereof.

Dated DEC 5 - 1980, at San Francisco, California

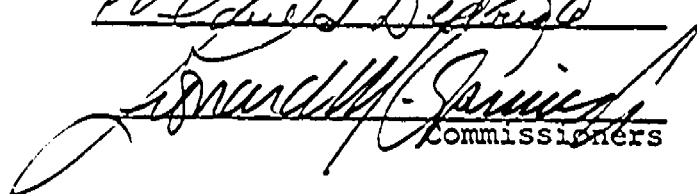
Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.



President







Commissioners