

ORIGINAL

Decision 93884 DEC 15 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
CITY OF BEVERLY HILLS,

Complainant,

vs.

JAMSHID ANVARIPOUR, doing
business as TIFFANY TOUR AND
TRAVEL SERVICE, INC.,

Defendant.

Case 10983
(Filed May 13, 1981)

ORDER DENYING REOPENING
OF DECISION 93762

A petition for rehearing of Decision 93762 was filed by defendant Jamshid Anvaripour, doing business as Tiffany Tour and Travel Service, Inc. (Tiffany). Tiffany advances two grounds for such rehearing, neither of which allege legal error. Because there is no allegation of legal error, the request is being considered a request to reopen rather than rehearing.

The first ground is based upon Tiffany's being totally surprised by the testimony of complainant City of Beverly Hills' witness in which the witness identified the driver of one of Tiffany's buses, which had been seen in violation of its operating authority, as the president of Tiffany. Tiffany claims this allegation was not in the complaint and that its attorney received no prior information regarding this allegation.

The second ground for requesting rehearing is the discovery by Tiffany of new evidence to rebut testimony of complainant's witness. Such evidence is to take the form of testimony from Tiffany's president and from the driver of the bus, as well as a copy of the traffic citation issued to the driver by the Beverly Hills Police Department on the date of observance by complainant's witness.

We have carefully considered each of the grounds which Tiffany advances in support of its request to reopen the proceeding and are of the opinion that good cause for either rehearing or reopening of the matter has not been shown.

With respect to the first ground presented, the content of a witness' testimony is nowhere required to be set forth in a complaint. Any claim of surprise to Tiffany by the testimony of complainant's witness could easily have been countered with a request from Tiffany's counsel for a continuance to enable Tiffany to produce rebuttal evidence. Tiffany did not make such request.

As to the second ground advanced, it relates directly to the first in that Tiffany wishes to present testimony and documentary evidence in rebuttal to the identification of the driver of Tiffany's bus made by complainant's witness. It does not constitute a second ground for us to consider.

Tiffany is missing the point in Decision 93762. We did not suspend operation of Tiffany's Tour 1 for five days because of a witness' identification that the driver of one of its buses was Tiffany's president. We suspended Tour 1 because Tiffany's buses have been observed traveling along North Roxbury Drive in violation of its authority on a number

of occasions, which we concluded from the evidence, was knowingly permitted by Tiffany. Therefore,

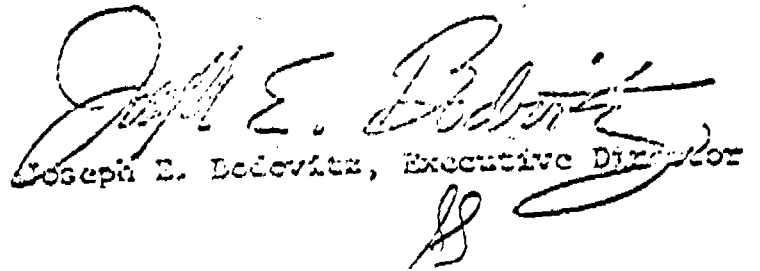
IT IS ORDERED that rehearing or reopening of Decision 93762 is denied, and the suspension ordered in Decision 93762 is not stayed and Jamshid Anvaripour shall suspend operations as ordered in that decision.

This order is effective today.

Dated DEC 15 1981, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
FRISCHILLA C. GREW
Commissioners

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


Joseph E. Ledevitz, Executive Director