

1972

Mary A. Murphy Dba Alex Pickering Transfer Company v. Public Service Commission of Utah, Redman Moving & Storage Company, Barton Truck Line, Inc., Uintah Freightways, Magna - Garfield Truck Line, Palmer Brothers, Inc., Rio Grande Motor Way, Inc., Milne Truck Lines, Inc., Ashworth Transfer, Inc., Bills Moving, Inc., A-One Moving And Delivery, Lewis Bros. Stage Lines, Utah Package Express, Inc., Denver & Rio Grande Western Railroad Company, And Park City Truck Line : Defendants Petition For Rehearing And Brief In Support Thereof

Follow this and additional works at: https://digitalcommons.law.byu.edu/uofu_sc2

Original Brief submitted to the Utah Supreme Court; funding for digitization provided by the Institute of Museum and Library Services through the Library Services and Technology Act, administered by the Utah State Library, and sponsored by the S.J. Quinney Law Library; machine-generated OCR, may contain errors. William S. Richards; Attorney for Defendants

Recommended Citation

Petition for Rehearing, *Murphy v. Public Service Comm'n*, No. 12920 (1972).
https://digitalcommons.law.byu.edu/uofu_sc2/5724

This Petition for Rehearing is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Supreme Court Briefs (1965 –) by an authorized administrator of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

IN THE
SUPREME COURT
OF THE
STATE OF UTAH

MARY A. MURPHY, dba ALEX PICKERING TRANSFER COMPANY,

Plaintiff,

vs.

PUBLIC SERVICE COMMISSION OF UTAH, REDMAN MOVING & STORAGE COMPANY, BARTON TRUCK LINE, INC., UTAH FREIGHTWAYS, MAGNA FIELD TRUCK LINE, PALMER TRANSFERS, INC., RIO GRANDE MOTOR INC., MILNE TRUCK LINES, INC., WORTH TRANSFER, INC., BILLS MOVING, INC., A-ONE MOVING AND DELIVERY, LEWIS BROS. STAGE LINES, UTAH PACKAGE EXPRESS, INC., HANCOCK & RIO GRANDE WESTERN ROAD, PARK CITY TRUCK LINES

DEFENDANTS PETITION
REHEARING AND
IN SUPPORT THEREOF

William S. Richards, Walter
Irene Warr, Judge
Haldor T. Benson, 141
Vernon B. Romney,

Utah State Attorney General

All of Salt Lake City, Utah

Attorneys for Defendants

Moyle and Draper and
Joseph J. Palmer
800 Deseret Building
Salt Lake City, Utah 84111

Attorneys for Plaintiff

FILE

OCT 19 1967

Clerk, Supreme Court

INDEX

	<i>Page</i>
PETITION FOR REHEARING	1
BRIEF IN SUPPORT OF PETITION FOR REHEARING	1
POINTS:	
I. THIS COURT ERRONEOUSLY IN- TERPRETED THE PREMISE ON WHICH THE COMMISSION PREDICATED ITS ORDER OF JULY 10, 1972	1
II. THIS COURT ERRONEOUSLY RE- STRICTED THE SCOPE OF THE PROCEEDINGS BEFORE THE COMMISSION	7
III. THIS COURT ERRED IN CON- CLUDING THAT THE COMMIS- SION MISINTERPRETED ITS ORDER OF NOVEMBER 17, 1954, WHEREIN THE OPERATING RIGHTS OF JOHN MURPHY WERE TRANSFERRED TO PLAIN- TIF	9
IV. THIS COURT ERRED IN CON- CLUDING THAT THE ORDER OF NOVEMBER 17, 1954, GRANTED A PERMIT	12
V. THIS COURT ERRED IN COM- PLETELY VACATING THE ORDER OF JULY 10, 1972	14
SUMMARY	16

INDEX—Continued

Page

CASES CITED

Gilmer v. Public Utilities Commission of Utah, 67 U. 222, 247 P. 284 (1926)	5, 7
McCarthy, et. al., v. Public Service Commission of Utah, 94 U. 304, 77 P. 2d 331 (1938)	10, 13, 14
Milne Truck Lines, Inc. v. Public Service Commission of Utah, et. al., 13 U. 2d 72, 368 P. 2d 590 (1962)	2, 6
Provo Transfer and Storage Company v. Public Service Commission, 3 U. 2d 86, 278 P. 2d 985 (1955)	8
Reavely v. Public Service Commission, 20 U. 2d 237, 436 P. 2d 797 (1968)	12

STATUTES

Section 54-6-8, Utah Code Annotated (1953, as amended)	2, 5, 6, 9
Section 54-6-20, Utah Code Annotated (1953, as amended)	7
Section 54-6-24, Utah Code Annotated (1953, as amended)	9, 11, 12, 13

IN THE
SUPREME COURT
OF THE
STATE OF UTAH

MARY A. MURPHY, dba ALEX PICKERING TRANSFER COMPANY,

Plaintiff,

vs.

PUBLIC SERVICE COMMISSION OF UTAH, REDMAN MOVING & STORAGE COMPANY, BARTON TRUCK LINE, INC., UINTAH FREIGHTWAYS, MAGNA-GARFIELD TRUCK LINE, PALMER BROTHERS, INC., RIO GRANDE MOTOR WAY, INC., MILNE TRUCK LINES, INC., ASHWORTH TRANSFER, INC., BILLS MOVING, INC., A-ONE MOVING AND DELIVERY, LEWIS BROS. STAGE LINES, UTAH PACKAGE EXPRESS, INC., DENVER & RIO GRANDE WESTERN RAILROAD, PARK CITY TRUCK LINES, INC.,

Defendants.

Case No.
12920

DEFENDANTS PETITION FOR
REHEARING AND BRIEF
IN SUPPORT THEREOF

PETITION FOR REHEARING

Defendants above named, pursuant to Rule 76(e) of the Utah Rules of Civil Procedure, respectfully petition this Court for a rehearing in the above en-

titled matter and assert that in making its decision herein, this Court erred in the following particulars:

1. This Court erroneously interpreted the premise on which the Commission predicted its Order of July 10, 1972.

2. This Court erroneously restricted the scope of the proceedings before the Commission.

3. This Court erred in concluding that the Commission misinterpreted its Order of November 17, 1954, wherein the operating rights of John Murphy were transferred to plaintiff.

4. The Court erred in concluding that the Order of November 17, 1954, granted a general contract carrier permit.

5. This Court erred in completely vacating the Order of July 10, 1972.

Respectfully submitted,

RICHARDS & RICHARDS

By _____
William S. Richards

Attorneys for Defendants

900 Walker Bank Building
Post Office Box 2465
Salt Lake City, Utah 84110