

Decision No. 49656**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
 into the rates, rules, regulations,)
 charges, allowances and practices)
 of all common carriers, highway)
 carriers and city carriers relating)
 to the transportation of property.)

Case No. 4808

Frank Loughran, for Dump Truck Owners Association
 of Northern California, and the Building Material
 and Construction Operators Association.
 Edward M. Berol, Frank R. Golzen, LaFay Lindeman,
 John P. Roberts and Lester T. Weaver, for various
 respondent carriers.
 P. H. McCarthy, Jr. and Herbert S. Johnson, for
 Building Material and Construction Dump Truck
 Operators Association, Inc., interested party.
 E. O. Blackman and Herbert Cameron, for California
 Dump Truck Owners Association.
 Eugene R. Booker, for Rock, Sand and Gravel Producers
 Association of Northern California, interested
 party.
 John A. Sproul, Winfield H. Arata and Thomas E.
 Stanton, Jr., for Northern California Chapter,
 The Associated General Contractors of America,
 interested party.
 Austin H. Peck, Jr. and Ira M. Price, II, for Southern
 California Rock Products Association, interested
 party.
 Paul T. Wolf, for Pacific Coast Aggregates, Inc.,
 interested party.
 Earl S. Williams, for California Department of Finance,
 interested party.
 Warren P. Marsden, for State of California, Department
 of Public Works, interested party.
 Terry L. Baum, for Office of Price Stabilization,
 interested party.
 W. Y. Bell, for Richfield Oil Company, interested
 party.
 Grant L. Malquist, J. H. Morrison, J. A. McCunniff
 and Jack Thompson, of the Commission staff.

SUPPLEMENTAL OPINION

By petition filed in this proceeding on November 28,
 1950, the Dump Truck Owners Association of Northern California

alleged that the minimum rates applicable to the transportation of property in dump trucks in northern California were inadequate, depressed and inequitable. Upon an interim record developed in January and February, 1951, the rates were increased 15 percent effective March 20, 1951.¹ Further hearings were held on various dates later in 1951 and 1952. On October 24, 1952, the petition was submitted.

The same petitioner, by petition filed on January 27, 1954, now asks that the Commission set aside submission and reopen the proceeding for the taking of further evidence and that the Commission staff develop and present current cost data. Petitioner alleges that it and its members are not financially able themselves "to develop the complicated cost data required properly to bring the material developed by the Commission up to date", and that its members "are working under a rate structure which is entirely inadequate and which should be increased to reflect the current economic situation."

On the evidence of record, the minimum hourly rates for dump truck transportation in northern California have not been shown to require further revision. The cost exhibits are predicated upon basic information which is now more than three years old. It would not serve the interests of orderly procedure

¹ Decision No. 45400, dated February 27, 1951 (50 Cal. P.U.C. 467). The minimum rates are set forth in City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7 (Appendix "A" of Decision No. 32566 as amended.)

to reopen the stale record and attempt to correlate therewith current data yet to be developed. The petition filed on November 28, 1950, will be denied without prejudice, thereby closing the old record. The petition filed on January 27, 1954, will be denied to the extent that it seeks to set aside submission and reopen the proceeding. However, in response to the latter petition, members of the Commission transportation staff will proceed to develop estimated costs and recommended rates based upon and reflecting current economic conditions and circumstances. As soon as practicable the staff studies will be received in evidence in Case No. 5437 after proper notice to all interested parties.

O R D E R

Based upon the evidence of record and upon the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED:

(1) That, except to the extent provided for in Decision No. 45400 of February 27, 1951, supra, in this proceeding, the petition of the Dump Truck Owners Association of Northern California filed on November 28, 1950, be and it is hereby denied without prejudice.

(2) That, except as provided in the foregoing opinion, the petition of the Dump Truck Owners Association of Northern California filed on January 27, 1954, be and it is hereby denied.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California,
this 9th day of February, 1954.

A. B. Anderson
President
Justin F. Colwell
Wesley P. Pottel
John L. Mitchell
James Douglas
Commissioners