

**ORIGINAL**Decision No. 49704

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

Appearances

Frank Loughran, for Dump Truck Owners Association of Northern California, and the Building Material and Construction Dump Truck 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, petitioner.  
 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

This opinion refers to minimum rates, rules and regulations for the transportation of property in dump trucks. The existing provisions are set forth in City Carriers' Tariff No. 6, Highway Carriers' Tariff No. 7 (Appendix A of Decision No. 32566, as amended).

At public hearings held on various dates in 1952 evidence was received relating to certain petitions hereinafter identified.<sup>1</sup> At the close of the hearing on October 24, 1952, the matters in question were removed from the calendar by agreement of the parties. There have been no further hearings nor requests for hearings.

Because of the substantial lapse of time and changes in conditions and circumstances the record heretofore adduced is stale and without present evidentiary value. It is undesirable to hold the petitions longer on the open docket. They will be dismissed without prejudice, thereby closing the old record without foreclosing the petitioners from filing new petitions and offering probative evidence in support thereof should they so desire.

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<sup>1</sup> The hearings were held before Examiner Mulgrew on January 9, June 16, 17, 18 and 30, July 1, 7, 8, 9, 10 and 14, September 23 and 24, and October 23 and 24, 1952. The petitions, except as their subject matter has been disposed of by prior orders, relate to cement in sacks, light weight aggregates, pumice, volcanic ash, volcanic scoria, the credit rule, faithful performance bond for employment of subhaulers, requirement of filing with the Commission notices of intention to use hourly rates, elimination of "Column C" hourly rates in Southern Territory, and exclusion from the tariff of the transportation of (1) excavated materials for use on public street or highway construction or maintenance, and (2) debris from street or highway maintenance. The petitions are further identified in the order which follows.

Substantial studies of certain current operating conditions in Southern Territory, recently developed by the Commission transportation staff, will be offered in evidence in a separate proceeding (Case No. 5437) after notice to interested parties..

O R D E R

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

IT IS HEREBY ORDERED that the following petitions in Case No. 4808 be, and they are, hereby dismissed without prejudice:

1. Petition for Modification filed by California Dump Truck Owners Association, Inc., on February 23, 1951;
2. First Amended Petition for Modification filed by California Dump Truck Owners Association, Inc., on March 27, 1951;
3. Petition for Modification filed by California Dump Truck Owners Association, Inc., on March 19, 1952;
4. Petition for Modification filed by the State of California, Department of Public Works, on April 14, 1952.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of February, 1954.

[Signature]  
President

Justus J. Calver

[Signature]

[Signature]

Werns Bergins  
Commissioners