

Decision No. 52320

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) Case No. 5441
 of property in the City and County of)
 San Francisco and the Counties of Alameda,)
 Contra Costa, Marin, Monterey, Napa, Santa)
 Clara, Santa Cruz, San Benito, San Mateo,)
 Solano and Sonoma.)

ORDER DENYING MOTION TO DISMISS

By petition dated February 27, 1952, the Common Carrier Conference of the Truck Owners' Association of California requested that the Commission establish a separate drayage zone applicable to transportation of property between points in the area comprised of San Francisco and the cities along the eastern shore of San Francisco Bay, on the one hand, and points south of San Francisco to and including Palo Alto, on the other hand. Petitioner also sought the establishment of minimum rates, rules and regulations for such transportation. Thereafter the Commission's staff was instructed to proceed with the necessary rate, economic and engineering studies.

On completion of the staff studies, the Commission, by its order dated February 15, 1955, in the above-entitled proceeding, directed that a hearing be held to determine whether, or to what extent, revised rates, rules and regulations contained in a single minimum rate tariff should be recommended for the transportation of general commodities between points in the San Francisco Bay Counties Territory. (1) Pursuant to that order public hearings were held at San Francisco on April 6 and 7 and June 16 and 17, 1955, before Commissioner Matthew J. Dooley and Examiner Carter R. Bishop,

(1) San Francisco Bay Counties Territory includes all points in the counties specified in the title of this proceeding. The minimum rates presently applicable within that Territory are set forth in City Carriers' Tariff No. 1-A, City Carriers' Tariff No. 2-A, Highway Carriers' Tariff No. 1-A, and Minimum Rate Tariff No. 2.

and on September 28, 1955, before the latter. At the hearings evidence was received relative to revised rates, ratings, rules and regulations suggested by the Commission's staff and predicated upon the aforementioned studies.

At the adjourned hearing on September 28, 1955, counsel for W. P. Fuller & Company and twenty-one other shippers moved that the phase of Case No. 5441 embraced by the aforementioned Order Setting Hearing dated February 15, 1955, be dismissed. The motion was supported by many other parties, including shippers, shipper and carrier associations, chambers of commerce and port and terminal interests.

After careful consideration of all of the arguments advanced in support thereof, the Commission concludes that the motion for dismissal should be denied. Therefore, good cause appearing,

IT IS HEREBY ORDERED that the motion to dismiss that phase of Case No. 5441 embraced by the Commission's Order Setting Hearing dated February 15, 1955, made on behalf of W. P. Fuller & Company and others at the hearing of September 28, 1955, be and it is hereby denied.

Dated at San Francisco, California, this 5th day of December, 1955.

D. E. Washell
 President

Justice J. Crane

Ralph W. Peterson

William D. Cook

H. H. Harty
 Commissioners