

ORIGINAL

Decision No. 62011BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION

Investigation on the Commission's own)
 motion for the purpose of establishing)
 procedural rules governing petitions for)
 suspension and investigation of tariffs)
 and schedules of common carriers as)
 defined in Division 1 of the Public)
 Utilities Code, Air Transportation)
 Companies, Warehousemen and Wharfingers.)

MAY 16 1961

SAN FRANCISCO OFFICE

Case No. 7118

ORDER INSTITUTING INVESTIGATION AND
ESTABLISHING REGULATIONS

The Commission has not heretofore established procedural rules to govern complaints seeking the investigation and suspension of proposed tariff schedules under Section 455 of the Public Utilities Code. Complaints by letter, telegram or petition have been received from time to time in the past, and have been considered to the extent feasible according to the circumstances. There has been no established provision for service of such complaints upon other parties, nor for replies by other parties, and no time requirements for the complaints or replies have been specified.

There was distributed to interested parties on June 24, 1960, for study and comment, a proposed general order drafted by the Transportation Division staff to establish procedural rules governing petitions for suspension of tariff schedules filed by common carriers and related utilities. The proposed rules were patterned after those prescribed by the Interstate Commerce Commission.

Responses were received from fourteen parties, including the California railroads, California Manufacturers Association, and various other associations, chambers of commerce and tariff agents. All responding parties favor the issuance of procedural rules substantially as proposed by the staff, but some of the parties offered suggested revisions. The proposed general order prepared by the Commission staff

and the fourteen responses thereto by interested parties will be made part of the record herein.

The following order will establish procedural rules. Effect has been given to the various suggestions, with three exceptions.

The suggestion that the number of copies of pleadings to be filed with the Commission be reduced below the original and 12 copies suggested by the staff will not be adopted for the reason that a lesser number would not be sufficient to permit timely consideration by each Commissioner and meet other requirements.

The suggestion that telegraphic complaints be allowed will not be adopted for the reason that such communications cannot be relied upon to provide sufficient information, copies, service, or otherwise to provide a sufficient basis for adequate consideration of the issues.

The suggestion that complaints for suspension be required to be filed at least 15 days before the effective date of the tariff schedule, rather than 12 days as proposed by the staff, will not be adopted for the reason that the 15-day period would unduly reduce the time which affected parties would have to receive and analyze tariff publications and prepare and file the required pleadings.¹

In the circumstances, it appears, and the Commission finds, that the general order as set forth hereinafter should be adopted. The following order will provide for its adoption.

Therefore, good cause appearing,

IT IS ORDERED:

1. That an investigation on the Commission's own motion is hereby instituted for the purpose of establishing regulations governing

¹The 12-day period corresponds to that established by the Interstate Commerce Commission for similar purposes.

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petitions for suspension of tariffs of common carriers, as defined in Division 1 of the Public Utilities Code, air transportation companies, warehousemen and wharfingers under Section 455 of the Public Utilities Code.

2. That the draft of proposed regulations prepared by the Commission staff, copies of which were supplied to interested parties on or about June 24, 1960, is received in evidence as Exhibit No. 1 in this proceeding.


3. That the fourteen responses from interested parties are received in evidence collectively as Exhibit No. 2 in this proceeding.

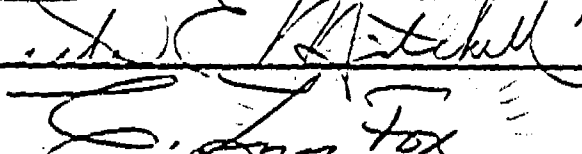
4. That General Order No. 113, which is attached hereto and by this reference made a part hereof, is adopted to become effective July 1, 1961.

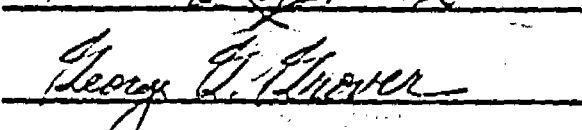
5. That the Secretary of the Commission shall serve a copy of this order upon all common carriers as defined in Division 1 of the Public Utilities Code, air transportation companies, warehousemen, and wharfingers.


The effective date of Ordering Paragraph 1 shall be the date hereof; the effective date of Ordering Paragraphs 2, 3 and 4 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 16th day of May, 1961.



President


L. J. Fox


George E. Elmer


Frederick B. Halaloff
Commissioners

GENERAL ORDER NO. 113

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

RULES GOVERNING PETITIONS FOR SUSPENSION AND
INVESTIGATION OF TARIFFS AND SCHEDULES OF
COMMON CARRIERS AS DEFINED IN DIVISION 1 OF
THE PUBLIC UTILITIES CODE, AIR TRANSPORTATION
COMPANIES, WAREHOUSEMEN AND WHARFINGERS

Adopted May 16, 1961. Effective July 1, 1961.
Decision No. 62011, Case No. 7118.

Rule 1 - Content. The original of each petition for suspension and investigation of tariffs or schedules shall be signed in ink by each party thereto, or by the attorney for or authorized representative of said party, and shall be verified by at least one party. There shall be filed with the Commission an original and twelve conformed copies of each such petition, or amendment thereof, or reply thereto. The petition shall identify the protested tariff or schedule by making reference to the publishing carrier or agent, the tariff number, the Cal.P.U.C. number, if any, and to the specific item or particular provisions protested. Reference shall also be made to the tariff or schedule, and the specific provisions thereof, proposed to be superseded. The petition shall state the grounds in support thereof, and indicate in what respect the protested tariff or schedule is considered to be unlawful. Such petitions will be considered as addressed to the discretion of the Commission, and no petition shall include a prayer that it also be considered a formal complaint. Should a petitioner desire to proceed further against a tariff or schedule which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

Rule 2 - When Filed. Petitions requesting suspension of tariffs or schedules will not be considered unless made in writing and filed with the Commission at San Francisco in accordance with the provisions of these rules. Such requests for suspension of rates published on statutory notice shall reach the Commission at least 12 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer. Petitions for suspension of rates published on less than thirty days' notice shall be filed with the Commission as soon as possible, and in no event less than five days prior to the effective dates of the tariffs, schedules, or parts thereof to which they refer. Replies to petitions shall be filed and served within five days after service of the petition for suspension, and not later than the day prior to the effective date of the protested tariff schedule.

Rule 3 - Service. In addition to the original and copies to be filed with the Commission, one copy of each petition and reply shall simultaneously be served upon the carriers concerned or their publishing agent, and upon other persons known to be interested. Service shall be made personally or by the deposit in the United States mail of a sealed envelope with first class postage prepaid, containing a true copy of the documents to be served and addressed to the party to be served at the last known address of such party.

This General Order issued by order made at San Francisco, California, this 16th day of May, 1961.

PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA
By R. J. Pajalich, Secretary