

ORIGINAL

Decision No. 62356

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on
the Commission's own Motion into the
Matter of Requiring Class I Highway
Contract Carriers and Class I Radial
Highway Common Carriers to File
Annual Reports and Regarding Such
Reports to be a Public Record.

Case No. 4800

Sheldon Rosenthal, for the Commission staff;
J. C. Kaspar, A. D. Poe, J. X. Quintrall,
for California Trucking Associations, Inc.,
interested party; C. C. Stratton, for
Western Milk Transport, Inc., and Cal Milk
Tanks, protestants.

OPINION AND ORDER ON REOPENED PROCEEDINGS

On February 7, 1961, the Commission issued an Order Reopening Proceedings for Further Hearing in the above-entitled matter to determine whether annual reports filed by Class I and Class II Highway Contract Carriers and Radial Highway Common Carriers should be opened to public inspection. Such reports presently, pursuant to Decision No. 38450, dated November 27, 1945, are considered confidential.

A public hearing in the reopened proceedings was held before Commissioner Holoboff and Examiner Coleman in San Francisco, on May 18, 1961, after notice had been given to all highway contract carriers and radial highway common carriers which presently are required to file annual reports.

In the 1945 proceeding, industry representatives opposed making the annual reports matters of public record. At the May 18 hearing, however, a representative of the California Trucking Associations, Inc., stated that the organization had no objection to the proposal to open the annual reports for public inspection.

Although notice of the reopened proceedings was mailed to more than 200 carriers only one protestant appeared at the hearing. Mr. C. C. Stratton, representing two affiliated milk haulers, asserted that there had been no showing of any change in circumstances since 1945, that he opposed opening the reports to the public, but that he would not object to filing balance sheets showing the financial positions of the carriers. Protestant's statements were not supported by testimony.

A review of this matter shows that there are approximately 225 highway contract and radial highway common carriers and approximately 600 certificated carriers who file annual reports; that the reports filed by the certificated carriers are matters of public record; that some of the highway contract and radial highway common carriers are required to file annual reports with the Interstate Commerce Commission, which reports are matters of public record; and that the operations of some of the highway contract and radial highway common carriers are affiliated with public utility operations which are reflected in reports available to the public. It thus appears

that a record of the operations of the certificated carriers and some record of the operations of the highway contract and radial highway common carriers, although incomplete, are available to the public.

We have reviewed this matter and have considered the position taken by the trucking association and the almost complete absence of objection by other parties to the proposal to open the reports to public inspection. We find and conclude that no good reason exists for continuing the confidential status of the annual reports of highway contract and radial highway common carriers as provided by Decision No. 38450 and that such reports should be open to public inspection in the same manner as the reports of the certificated carriers; therefore,

IT IS HEREBY ORDERED that the annual reports heretofore filed and hereafter to be filed by Class I and Class II Highway Contract Carriers and Radial Highway Common Carriers are matters of public record.

This order shall become effective 20 days after the date hereof.

Dated at San Francisco, California, this 1st day of August, 1961.

Ernest R. Ray
President
George H. Grover
Fredrick B. Hallock
Commissioners