

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of Contractors Dump Truck Service, Inc., a corporation; Cerny & Elsey Excavating Co., Inc.; Dale Douce; Marvin White; Vernon E. Cline; and Michael T. Metzger.

CASE NO. 7760

ORDER MODIFYING DECISION AND DENYING REHEARING

CALIFORNIA DUMP TRUCK OWNERS ASSOCIATION, a non-profit corporation, having filed a petition requesting that the commission amend Decision No. 67628, and the commission having considered said petition and each and every allegation therein, and being of the opinion that said Decision No. 67628 should be amended as ordered herein,

IT IS ORDERED that Decision No. 67628 is hereby amended as follows:

1. Concluding paragraph 4 (Mimeo. p. 7) is amended to read as follows:

"Minimum Rate Tariff No. 7 does not specify the time within which an overlying carrier must pay an underlying carrier for sub-haul transportation. However, since it is concluded (paragraph 2, supra) that paragraph (b), Item 45-C of said tariff applies to collections by an underlying carrier from an overlying carrier, an underlying carrier may not extend credit for a period in excess of twenty (20) days, excluding Sunday and legal holidays other than Saturday half-holidays, following the last day of the calendar month in which the transportation was performed; thus, payment by overlying carriers must be made within this time."

2. Ordering Paragraph 6 (page 10 of said decision) is amended

to read as follows:

"Respondent Contractors Dump Truck Service, Inc. shall remit payments to underlying carriers for future subhaul transportation within the time limits prescribed in paragraph (b) of Item 45-C of Minimum Rate Tariff No. 7 in accordance with concluding paragraph 4 of this decision as amended."

As modified herein, rehearing of Decision No. 67628 is denied.

The Secretary of the Commission is directed to cause service of this order to be made upon all respondents in this investigation and upon petitioner California Dump Truck Owners Association.

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

Dated at San Francisco, California, this 15th
day of SEPTEMBER, 1964.

Frederick B. Halblaff
President
G. E. [Signature]
George G. Grover

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.