

Decision No. 70137

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 of sand, rock, gravel and related items (commodities for which rates are provided in Minimum Rate Tariff No. 7).

Case No. 5437

ORDER GRANTING PARTIAL REHEARING

The Associated Owner-Operator, Inc., having filed a petition for rehearing of Decision No. 69469, and the Commission having considered each and every allegation thereof, and good cause appearing,

IT IS ORDERED that rehearing is granted for the limited purpose of receiving further evidence in regard to the establishment of the rate structure for new production area 30-P.

In all other respects rehearing is denied.

Dated at San Francisco, California, this 21st day of DECEMBER, 1965.

Fredrick B. Haldeff
President

George E. Trover

Augusta

William B. Beards
Commissioners

I will file a statement of dissent
Peter E. Mitchell

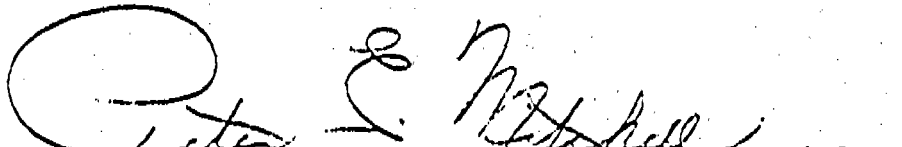
COMMISSIONER PETER E. MITCHELL DISSENTING:

The Associated Owner-Operator, Inc., and the California Trucking Association complain that the Commission has established rates solely upon the judgment of its staff without affording them the promised opportunity to test the staff's programming of basic data for computer processing to arrive at the ultimate rates.

The action of the majority is contrary to our guarantee to the parties in this case: "The proposed procedure does not, nor is it intended to, impinge upon or lessen the rights of the interested parties to examine the procedures followed in the development of the rates to be established."^{1/}

Accordingly, I would allow interested parties a rehearing to review the procedures used by the staff in computer processing the rates set forth in Decision No. 69469. I have no objection to further evidence on rates for area 30-P.

I suggest any additional presentation in this matter should be consolidated with Petition No. 118, Case No. 5437, for immediate hearing and decision.


Peter E. Mitchell, Commissioner

^{1/} Decision No. 68543, the forerunner of Decision No. 69469.