

ORIGINAL

Decision No. 72329

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Amendment and Revision of the Rules of Procedure of the Public Utilities Commission of the State of California.

Case No. 4924

Investigation on the Commission's own motion to determine, in view of the amendment of Public Utilities Code Section 454, whether the Commission's Rules of Practice and Procedure or General Order No. 109, as they relate to common carriers, should be modified or a new general order issued.

Case No. 7234

(Appearances are Listed in Appendix B)

ORDER REVISING RULES OF PRACTICE AND PROCEDURE

(Revised rules effective JULY 14 , 1967.)

The revised Rules of Practice and Procedure adopted herein were drafted with the assistance furnished by practitioners and members of the Commission staff during the course of public hearings held in San Francisco and Los Angeles before Commissioner Holoboff and Examiner Cline, by the filing of written comments by the Commission staff and replies thereto by the practitioners, by the filing of exceptions to the Proposed Report of Examiner Cline and replies thereto, and by oral argument thereon before the Commission en banc and Examiner Cline, Commissioner Holoboff presiding, on March 30, 1966, at which time the matter was taken under submission.

IT IS ORDERED that the Rules of Practice and Procedure which are set forth in Appendix A attached hereto are adopted as the Rules of Practice and Procedure of this Commission, effective sixty days after the effective date of this order, and upon said date the former Rules of Practice and Procedure, as amended, are hereby repealed.

The Secretary is directed to cause an adequate number of copies of this decision to be made available for Commission use and for service upon and distribution to the appearances herein and to others concerned therewith.

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

Dated at Los Angeles, California, this 25th day of APRIL, 1967.

[Signature]
President
[Signature]
[Signature]
Commissioners

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

APPENDIX A

PUBLIC UTILITIES COMMISSION
RULES OF PRACTICE AND PROCEDURE

Preface

The following rules of practice and procedure before the California Public Utilities Commission were promulgated by Decision No. 72329 in Case No. 4924 and Case No. 7234. These rules, effective JULY 14, 1967, are issued under authority contained in the Public Utilities Code (Stats. 1951, ch. 764, as amended), particularly Section 1701 thereof.

The rules of practice and procedure apply to formal proceedings before the Commission. Informal requests for relief or assistance may be made by letter, by telephone, or in person. Matters thus presented, if their nature so warrants, will be taken up by the Commission's staff with the parties involved in an effort to assist them in arriving at an amicable informal adjustment of the matter.

All communications should be addressed to California Public Utilities Commission, State Building, San Francisco, California 94102, or State Building, 107 South Broadway, Los Angeles, California 90012.

The former rules, prepared with the assistance of practitioners, were filed with the Secretary of State pursuant to Government Code, sec. 11380. They were printed as Title 20 of the California Administrative Code. Such former rules, as amended, are hereby repealed effective JULY 14, 1967.

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THE PUBLIC UTILITIES COMMISSION

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Article 1. Code of Ethics

1. (Rule 1) Code of Ethics. Any person who signs a pleading or brief, enters an appearance at a hearing, or transacts business with the Commission, by such act represents that he is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due the Commission and its hearing officers; and never to mislead the Commission or its staff by an artifice or false statement of fact or law.

Article 2. Formal Requirements for
All Pleadings and Briefs.

2. (Rule 2) Form and Size. Pleadings and briefs shall be typewritten or printed upon paper not larger than 8-1/2 inches wide and 13 inches long nor smaller than 6 inches wide and 9 inches long, and exhibits annexed thereto shall be folded to the same size. Unless printed, the impression shall be on one side of the paper only and shall be double-spaced, except that footnotes and quotations in excess of a few lines may be single-spaced. Originals of pleadings, if not printed, shall be bound at the top. Reproductions may be by any process, provided all copies are clear and permanently legible. (See Rule 75.)

3. (Rule 3) Title and Number. Pleadings, briefs and other documents shall show the title of the proceeding before the Commission and the docket designation and number assigned by the Secretary.

4. (Rule 4) Signatures. The original of each application, petition, complaint, answer, or amendment shall be signed in ink by each party thereto. If such party is a corporation or association, the pleading may be signed by an officer thereof. Any attorney for

or representative of a party shall also sign such pleading, and show his address and telephone number.

Motions, notices, briefs, and petitions for rehearing may be signed by an attorney or representative.

5. (Rule 5) Verification. Applications or amendments thereto shall be verified by each applicant. Complaints or amendments thereto shall be verified by at least one complainant. Answers shall be verified by at least one of the defendants filing the same. If the party filing the pleading is a corporation or association, the pleading may be verified by an officer thereof.

Verification may be made before a notary public or by certification or declaration under the penalty of perjury.

6. (Rule 6) Signature and Verification by Attorney. Except in transfer proceedings (see Rule 35), the attorney for a party may sign and verify a pleading if such party is absent from the county where the attorney has his office, or from some cause is unable to sign and verify such pleading. When a pleading is signed and verified by the attorney, he shall set forth in the affidavit the reasons why the verification is not made by such party.

7. (Rule 7) Copies. Unless otherwise required by the Commission, and except as to complaints (see Rule 11), there shall be filed with the Commission an original and twelve conformed copies of each pleading, or amendment thereof, and the original and twelve copies of each brief or petition for rehearing or petition for leave to intervene.

8. (Rule 8) Amended Pleadings. Amendments to pleadings, and amended pleadings, may be filed before hearing, provided they are served upon all known interested parties, filed at least five days before the hearing, and contain a certification of service. Thereafter, pleadings may be amended as permitted, or directed, by the Commission or the presiding officer.

Article 3. Complaints and Commission Investigations.

9. (Rule 9) Who May Complain. A complaint may be filed by any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, setting forth any act or thing done or omitted to be done by any public utility including any rule or charge heretofore established or fixed by or for any public utility, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission.

No complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, or telephone corporation, unless it be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or city and county within which the alleged violation occurred, or by not less than 25 actual or prospective consumers or purchasers of such gas, electric, water, or telephone service. (See P.U. Code, Sec. 1702.)

10. (Rule 10) Form and Contents of Complaint. In addition to being drafted to comply with Rules 2 through 8, complaints shall state the full name and address of each complainant and of each defendant. The specific act complained of shall be set forth in

ordinary and concise language and the complaint shall be so drawn as to advise the parties and the Commission completely of the facts constituting the grounds of the complaint, the injury complained of, and the exact relief which is desired.

11. (Rule 11) Number of Copies. The number of copies of a complaint required to be filed is an original and conformed copies equal in number to twelve plus twice the number of defendants.

12. (Rule 12) Procedure Upon Filing of Complaint. When a complaint is filed, the Commission shall mail a copy to each defendant. A defendant shall be allowed ten days from the date of such mailing within which to point out in writing such jurisdictional or other defects in the complaint as, in defendant's opinion, may require amendment. If it appears to the Commission that defects brought to its attention are so vital that the complaint should be amended, complainant may be required to amend the complaint. The Commission, without argument and without hearing, may dismiss a complaint for failure to state a cause of action, or strike irrelevant allegations therefrom.

If the complaint is in substantial compliance with these procedural rules, and appears to state a cause of action within the Commission's jurisdiction, the Commission shall serve a copy thereof upon each defendant, together with an order requiring that the matter complained of be satisfied, or that the complaint be answered within ten days after the date of such service. In particular cases, the Commission may require the filing of an answer within a shorter time. Requests for extension of time to answer shall be made to the Commission in writing, with copies thereof to complainant.

13. (Rule 13) Answer to Complaint. Answers must contain an acknowledgement of service, or a certification that copies thereof have been served upon or mailed to each complainant or his attorney. An answer shall admit or deny each material allegation of the complaint, and shall set forth any new matter constituting a defense. Answers shall be so drawn as to advise the parties and the Commission fully as to the nature of the defense. The filing of an answer will not be deemed an admission of the sufficiency of a complaint, and a motion to dismiss may thereafter be made.

14. (Rule 14) Commission Investigations. The Commission may at any time institute investigations on its own motion. Orders instituting investigation shall indicate the nature of the matters to be investigated, and will be served upon the person or entity being investigated. A respondent need not file a pleading in response to the investigatory order unless so directed therein.

Article 4. Applications Generally.

15. (Rule 15) Contents. All applications shall state clearly and concisely the authorization or relief sought; shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or relief is sought; and, in addition to specific requirements for particular types of applications (see Rules 18 through 41), shall state the following:

(a) The exact legal name of each applicant and the location of principal place of business, and if an applicant is a corporation, trust, association, or other organized group, the State under the laws of which such applicant was created or organized.

(b) The name, title, address and telephone number of the person to whom correspondence or communications in regard to the application are to be addressed. Notices, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon applicant.

(c) Such additional information as may be required by the Commission in a particular proceeding.

(d) Applications for ex parte action shall set forth the basis for such request, and those seeking the granting of relief pending full hearing shall set forth the necessity for such relief.

16. (Rule 16) Articles of Incorporation. If applicant is a corporation, a copy of its articles of incorporation, certified by the Secretary of State, shall be annexed to the original of the application, but need not be annexed to copies thereof. If current articles have already been filed, the application need only make specific reference to such filings.

17. (Rule 17) Financial Statement. Wherever these rules provide that a financial statement shall be annexed to the application, such statement, unless otherwise provided herein, shall be prepared as of the latest available date, and shall show the following information:

(a) Amount and kinds of stock authorized by articles of incorporation and amount outstanding.

(b) Terms of preference of preferred stock, whether cumulative or participating, or on dividends or assets, or otherwise.

(c) Brief description of each security agreement, mortgage and deed of trust upon applicant's property, showing date of execution, debtor and secured party, mortgagor and mortgagee, and trustor and beneficiary, amount of indebtedness authorized to be secured thereby, and amount of indebtedness actually secured, together with any sinking fund provisions.

(d) Amount of bonds authorized and issued, giving name of the public utility which issued same, describing each class separately, and giving date of issue, par value, rate of interest, date of maturity and how secured, together with amount of interest paid thereon during the last fiscal year.

(e) Each note outstanding, giving date of issue, amount, date of maturity, rate of interest, in whose favor, together with amount of interest paid thereon during last fiscal year.

(f) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by any person or corporation if the original liability has been transferred, together with amount of interest paid thereon during the last fiscal year.

(g) Rate and amount of dividends paid during the five previous fiscal years, and the amount of capital stock on which dividends were paid each year.

(h) A balance sheet as of the latest available date, together with an income statement covering period from close of last year for which an annual report has been filed with the Commission to the date of the balance sheet attached to the application.

Article 5. Applications for Certificates
of Public Convenience and Necessity.

18. (Rule 18) Construction or Extension. (Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) This rule applies to applications, under Section 1001 of the Public Utilities Code, by any new public utility for a certificate to begin the construction of its plant or system, or by an existing public utility to begin construction of an extension of such a character as to require certification under Section 1001 of the Public Utilities Code. (See Rule 37.) In addition to being drafted to comply with Rules 2 through 8, 15 and 16, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) A full description of the proposed construction or extension, and the manner in which the same will be constructed.

(b) The names and addresses of all utilities, corporations, persons or other entities, whether publicly or privately operated, with which the proposed construction is likely to compete, and of the cities or counties within which service will be rendered in the exercise of the requested certificate. Whenever a public utility applies to the Commission to extend or establish its water service within a county water district, a public utility or municipal utility district, or other water or utility district, or any area served by such district, such district shall also be named, if it furnishes a like service. The application shall contain a certification that a copy of the application has been served upon or mailed to each such party named.

(c) A map of suitable scale showing the location or route of the proposed construction or extension, and its relation to other public utilities, corporations, persons, or entities with which the same is likely to compete.

(d) A statement identifying the franchises and such health and safety permits as the appropriate public authorities have required or may require for the proposed construction or extension.

(e) Facts showing that public convenience and necessity require, or will require, the proposed construction or extension, and its operation.

(f) A statement detailing the estimated cost of the proposed construction or extension and the estimated annual costs, both fixed and operating, associated therewith. In the case of a utility which has not yet commenced service or which has been rendering service for less than twelve months, the applicant shall file as a part of the application supporting statements or exhibits showing that the proposed construction is in the public interest and whether it is economically feasible.

(g) Statements or exhibits showing the financial ability of the applicant to render the proposed service together with information regarding the manner in which applicant proposes to finance the cost of the proposed construction or extension.

(h) A statement of the proposed rates to be charged for service to be rendered by means of such construction or extension. If any increase in rates is proposed, comply with Rule 23.

(i) A statement corresponding to the statement required by Section 2 of General Order No. 104-A, as to all known matters which both (a) are designated by said section for inclusion in the annual report but occurred or were proposed subsequent to the period covered by the last previous annual report filed by the applicant and (b) are, or will be, connected with the construction or extension proposed in the application; or, if no such matters are known to have so occurred or are then known to be proposed, a statement to that effect; provided, that an applicant whose capital stock, or that of its parent company, is listed on a "national securities exchange," as defined in the Securities Exchange Act of 1934 (15 U.S.C. 78(a) et seq.), in lieu of the statement required by this rule shall include in the application a copy of the latest proxy statement sent to stockholders by it or its parent company if not previously filed with the Commission, provided, further, that an applicant whose capital stock, or that of its parent company, is registered with the Securities and Exchange Commission (S.E.C.) pursuant to the provisions of Section 12 (g) of said Securities Exchange Act of 1934, in lieu of the statement required by this rule shall include in the application a copy of the latest proxy statement sent to stockholders by it or its parent company containing the information required by the rules of the S.E.C. if not previously filed with the Commission.

(j) In the case of a telephone utility, the estimated number of customers and their requirements for the first and fifth years in the future.

(k) In the case of a gas utility seeking authority to construct a pipeline:

(1) Regarding the volumes of gas to be transported:

(A) A statement of the volumes to be transported via the proposed pipeline including information on the quality of gas and the maximum daily and annual average daily delivery rates.

(B) A statement that copies of summaries of all contracts for delivery and receipt of gas to be transported via the proposed pipeline and information on the reserves and delivery life pertaining thereto will be made available for inspection on a confidential basis by the Commission or any authorized employee thereof. The terms and provisions of individual contracts for gas supply and data as to reserves or delivery life of individual gas suppliers shall not be required to be stated in the application or in the record of the proceedings, and if disclosed to the Commission or to any officer or employee of the Commission on a confidential basis as herein provided, shall not be made public or be open to public inspection.

(2) A summary of the economic feasibility, the market requirements and other information showing the need for the new pipeline and supply.

(3) Where the gas to be transported through the pipeline is to be purchased by the applicant from, or transported by the applicant for, an out-of-state supplier:

(A) A copy of the proposed tariff under which the gas will be purchased or transported.

(B) A statement that the out-of-state pipeline supplier has agreed: (1) to file with this Commission copies of annual reports which it files with the Federal Power Commission; (2) to file with this Commission monthly statements of its revenues, expenses and rate base components; (3) to file with this Commission copies of its tariffs as filed from time to time with the Federal Power Commission; and (4) at all times to permit this Commission or its staff reasonable opportunity for field inspection of facilities and examination of books and records, plus assurance that reasonable requests for operating information otherwise prepared in the course of business will be supplied in connection with any proceeding before the Federal Power Commission.

(1) In the case of an electric utility proposing to construct an electric generating plant:

(1) Load and resource data setting forth recorded and estimated loads (energy and demands), available capacity and energy, and margins for two years actual and three years estimated, on an average year basis.

(2) Existing rated and effective operating capacity of generating plants and the planned additions for a three-year period.

(3) Estimated capital and operating costs of power to be generated by the proposed plant for all competitive fuels which may be used under legislative restrictions in the proposed plant.

(4) For any nuclear plant, a statement indicating that the requisite safety and other license approvals have been obtained or will be applied for, and that a copy of the application to this Commission has been furnished to the State Coordinator of Atomic Energy Development and Radiation Protection.

(m) In the case of a water utility:

(1) An estimate of the number of customers and the requirements for water for the first and fifth years in the future, and the ultimate future development anticipated by applicant, together with a description of the proposed normal, and emergency standby, water facilities for production, storage and pressure to serve the area for which the certificate is sought.

(2) A statement of the estimated operating revenues and estimated expenses, by major classes, including taxes and depreciation, for the first and fifth years in the future attributable to operations in the proposed area.

(3) If the applicant has operated as a water utility elsewhere in the State of California for a period in excess of one year prior to filing the application, a general statement of the operating plans for the proposed area, including a statement whether a new area will be served by existing personnel or will constitute a separate district to be served by new personnel. If the applicant has not operated as a water utility elsewhere in the State of California for a period in excess of one year prior to filing the application, a description of the operating plans for the proposed area, including, to the extent available, but not necessarily limited to, such items as qualifications of management and operating personnel, proposed operating pressures for the system, plans for water treatment, availability of utility personnel to customers, billing procedures, emergency operation plans and provision for handling customer complaints.

(n) In the case of an application by a water utility in an area in which the facilities have already been constructed, extended or installed:

(1) A detailed statement of the amount and basis of the original cost (estimated if not known) of all plant and of the depreciation reserve applicable thereto.

(2) If the facilities have been rendering service in the area for which the certificate is sought, and

(A) The rates proposed are the same as the tariff rates in the district which includes the area to be certificated, the application shall also include a summary of earnings on a depreciated rate base with respect to such area for the test period or periods upon which applicant bases its justification for the rates to be applied in such area; otherwise

(B) The application shall also comply with Rule 23, including the furnishing of the information specified in subsections (e) and (f) thereof but made applicable to the proposed rates; provided, however, the information required by subsections (b) and (c) thereof need be furnished only when increases are proposed.

(o) Such additional information and data as may be necessary to a full understanding of the situation.

19. (Rule 19) Exercise Franchise Rights. (Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) In addition to being drafted to comply with Rules 2 through 8, 15 and 16, applications under Sections 1002 and 1005 of the Public Utilities Code for a certificate that public convenience and

necessity require exercise of a right or privilege granted to applicant under a franchise or permit, shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) Facts showing that public convenience and necessity require or will require the exercise of the right or privilege granted by the franchise or permit.

(b) A copy of the franchise or permit containing the right or privilege which applicant desires to exercise.

(c) If there are utilities, corporations, persons, or other entities, whether publicly or privately operated, with which applicant is likely to compete, then a map of suitable scale showing the territory in which it is proposed to exercise such franchise or permit, and the relation to such entities.

20. (Rule 20) Exercise Franchise Rights Not Yet Secured. (Electric or street railroad, gas, electric, telephone, telegraph, or water utility.) Applications under Sections 1003-1005 of the Public Utilities Code, for an order preliminary to the issue of a certificate, if a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, shall comply with Rule 19, except subsection (b) thereof. The Commission, in its discretion, may make an order declaring that it will, after applicant has obtained the contemplated franchise or permit, issue a certificate upon such terms and conditions as it may designate. Attached to the supplemental application for such certificate shall be a copy of the franchise or permit obtained by applicant.

21. (Rule 21) Common Carrier Certificates.
Carrier by Vessel, P.U. Code, Secs. 1007-1009
Express Corporation, P.U. Code, Sec. 1010
Freight Forwarder, P.U. Code, Sec. 1010
Passenger Stage Corporation, P.U. Code, Secs.
1031-1036
Highway Common Carrier, P.U. Code Secs., 1063-1064
Petroleum Irregular Route Carrier, P.U. Code,
Secs. 1063-1064, 1067-1069
Cement Carrier, P.U. Code, Secs. 1063-1064, 1067
Passenger Air Carrier, P.U. Code, Secs. 2740-2765 ✓

In addition to being drafted to comply with Rules 2 through 8, 15 and 16, applications for certificates under any of the above sections of the Public Utilities Code shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) The type of service being performed by applicant, a general description thereof, and a reference to the authority under which existing service is performed.

(b) The specific authority requested and the particular statutory provision under which the certificate is requested.

(c) If a carrier of property, a description of specified commodities proposed to be transported, and, if general commodities with exceptions are proposed to be transported, a statement specifying such exceptions.

(d) The geographical scope of the proposed operation, including the termini and other points proposed to be served, and a concise narrative description of the proposed route.

(e) A map or sketch of the route and points to be served, drawn to suitable indicated scale, and showing present and proposed operation by distinctive coloring or marking.

(f) The names of all common carriers with which the proposed service is likely to compete, and a certification that a copy of the application has been served upon or mailed to each such carrier named. Applications shall also name all other parties to whom copies of the application will be mailed. Applicants shall promptly

notify the Commission of such mailing. Applicants shall also mail copies to such additional parties and within such times as may be designated by the Commission.

(g) Applications to inaugurate new passenger stage service shall name any state or local authorities located in the area or areas to be served, upon whom service of said application is hereby required to be made, and shall name any other parties to whom copies of the application will be mailed. Applicants shall promptly notify the Commission of such mailing. Applicants shall also mail copies to such additional parties and within such times as may be designated by the Commission.

(h) A statement of the rates or fares proposed to be charged and rules governing service. Applications for certificates need not contain tariffs, but shall indicate the level and nature of proposed rates and rules and may refer to tariffs on file with or issued by the Commission.

(i) A statement indicating the frequency of the proposed service. If "on call" service is proposed, the application shall set forth conditions under which such service would be performed.

(j) The kind and approximate number of units of equipment to be employed in the proposed service.

(k) A statement of financial ability to render the proposed service.

(l) Facts showing that the proposed operation is required by public convenience and necessity.

22. (Rule 22) Warehouses. (P.U. Code, Sec. 1051) In addition to being drafted to comply with Rules 2 through 8, 15 and 16, applications for a certificate authorizing the operation of a warehouse or enlargement of warehouse operations shall contain the following:

(a) A description of existing warehouse facilities operated by applicant.

(b) A statement of the service proposed, including a description of the building and the storage capacity to be used, and the classes of merchandise to be stored.

(c) Facts showing public convenience and necessity, and financial ability to render the proposed service.

Article 6. Applications for Authority
to Increase Rates.

23. (Rule 23) Rate Increase Applications. (P.U. Code, Sec. 454)

This rule applies to applications for authority to raise any rate, fare, toll, rental or charge, or so to alter any classification, contract, practice, or rule as to result in such an increase. In addition to being drafted to comply with Rules 2 through 8, 15 and 16, such applications shall contain the following data, either in the body of the application or as exhibits annexed thereto or accompanying the application:

(a) A balance sheet as of the latest available date, together with an income statement covering period from close of last year for which an annual report has been filed with the Commission to the date of the balance sheet attached to the application.

(b) A statement of the presently effective rates, fares, tolls, rentals, or charges which are proposed to be increased, or of the classification, contract, practice, or rule proposed to be altered. Such statement need not be in tariff form.

(c) A statement of the proposed increases or changes which will result in increases, which applicant requests authority to make effective. Such statement need not be in tariff form, but shall set forth the proposed rate structure with reasonable clarity. Except as to carriers, the statement shall also show the amount of proposed gross revenues, together with the percentage of increase, if in excess of one percent, estimated to result from the proposed rates. In the case of carriers, where a general rate increase application

is filed, the statement shall include an estimate of the amount of additional annual gross revenue estimated to result from the increase, which shall be based on the amount of involved traffic handled for the preceding calendar year and shall indicate the percentage by which such estimate exceeds the gross revenues on the involved traffic for the preceding calendar year, if more than one percent. In the case of gas, electric, telephone, telegraph, water and heat utilities, the proposed revenue increase, including the percentage of increase, if in excess of one percent, shall be shown by appropriate rate classifications. If the percentage of increase in revenue is one percent or less, applicant shall so state in its application.

(d) A general rate increase application shall contain a general description of applicant's property and equipment, or reference to such description in a recent prior application, and a statement of the original cost thereof, together with a statement of the depreciation reserve applicable thereto. If it is impossible to state original cost, the facts creating such impossibility shall be set forth.

(e) A summary of earnings (rate of return summary) on a depreciated rate base for the test period or periods upon which applicant bases its justification for an increase. If adjusted or estimated results are shown for successive periods they should be on a consistent basis. Wherever adjusted results are shown, the recorded results for the same periods should also be shown.

(f) In rate applications involving a utility having more than one department, district or exchange, the earnings results should be presented for the total utility operations for the company, as well as for the part of the operations for which rate increases are sought.

(g) Applicant's exhibits must accompany the application and applicant shall state the date it will be ready to proceed with its showing.

(h) The application of a gas, electric, telephone, telegraph, water or heat utility for a general rate increase shall contain a statement by the applicant as to which of the optional methods provided in the Internal Revenue Code applicant has elected to employ in computing the depreciation deduction for the purpose of determining its federal income tax payments, and whether applicant has used the same method or methods in calculating federal income taxes for the test period for rate fixing purposes.

(i) The application of a gas, electric, telephone, telegraph, water or heat utility for a general rate increase shall contain a statement corresponding to the statement required by Section 2 of General Order No. 104-A, as to all known matters designated by said section for inclusion in the annual report but occurring or proposed subsequent to the period covered by the last annual report filed by applicant; or, if no such matters are known to have so occurred or are known to be then proposed, a statement to that effect; provided, that an applicant whose capital stock, or that of its parent company, is listed on a "national securities exchange," as defined in the Securities Exchange Act of 1934 (15 U.S.C. 78(a) et seq.), in lieu of the statement required by this rule shall include in the application a copy of the latest proxy statement sent to stockholders by it or its parent company if not previously filed with the Commission, provided, further, that an applicant whose capital stock, or that of its parent company, is registered with the Securities and Exchange Commission (S.E.C.) pursuant to the provisions of Section 12(g) of said Securities Exchange Act of 1934, in lieu of the statement required by this rule shall include in the application a copy of the latest proxy statement sent to stockholders by it or its parent

company containing the information required by the rules of the S.E.C. if not previously filed with the Commission.

(j) In a general rate increase application involving a telephone utility having an annual operating revenue exceeding \$25,000, the rate of return on a depreciated rate base shall be shown separately for its aggregate exchange operations, for its toll operations, and for the total telephone utility operations of applicant.

(k) In the event that applicant desires to revise the level of rates shown in its original application before hearing on the same, the applicant shall file an Amendment to Application in accordance with Rule 8. Such amendment shall contain a complete revised statement of proposed changes as required by subsection (c) hereof, and the information required by subsections (e), (f) and (j) shall also be revised accordingly.

24. (Rule 24) Service of Rate Increase Applications. If the applicant for an authorization to increase rates is a gas, electric, telephone, telegraph, water, or heat utility, or, with respect to passenger fares a street railroad corporation, a passenger stage corporation, a railroad corporation, a vessel common carrier or a passenger air carrier, applicant shall name in its application and, within ten days after filing its application with the Commission, mail a notice to the following stating in general terms the proposed increases in rates or fares: (1) the State, by mailing to the Attorney General and the Department of General Services, when the State is a customer or subscriber whose rates or fares would be affected by the proposed increase; (2) each county, by mailing to the County Counsel (or District Attorney if the county has no County Counsel) and County Clerk, and each city, by mailing to the City Attorney and City Clerk, listed in the current Roster published by the Secretary of State within, from, to, or in which the proposed increase is to be made effective; and (3) any other parties whom applicant deems appropriate. Applicant shall promptly notify the

Commission of such mailing. Said notice shall also state that a copy of the application and related exhibits will be furnished by applicant upon written request. Applicant shall also mail copies of said application and related exhibits to such parties and within such times as may be required by the Commission.

Gas, electric, telephone, telegraph, water or heat utilities, within ten days after the filing of the application, shall publish at least once in a newspaper of general circulation in the county within, from or to which the increases are proposed to be made effective a notice, in general terms, of the proposed increases in rates or fares. Such notice shall state that a copy of said application and related exhibits may be examined at the offices of the California Public Utilities Commission in San Francisco or Los Angeles and in such offices of the applicant as are specified in the notice, and shall state the locations of such offices. Proof of such publication shall be filed with the Commission at or prior to the opening of such hearing as may be had upon the application.

Article 7. Applications of Common Carriers to
Increase Rates under the Shortened
Procedure Tariff Docket
(See P.U. Code, Sec. 454, 2d paragraph.)

This article applies to applications of common carriers to increase any rate or so alter any classification, contract, practice or rule as to result in any increase in any rate under the Shortened Procedure Tariff Docket as hereinafter described in this article. Applications and protests under this article are subject to Rules 2, 3 and 7 of Article 2 but are not subject to the other provisions of Article 2 nor the provisions of Article 4 or Article 6.

25. (Rule 25.) Applications Under the Shortened Procedure Tariff Docket. Applications may not be processed under the Shortened Procedure Tariff Docket unless the application shows that, in the knowledge and belief of applicant, the proposed increases:

(a) Do not require public hearing and the application contains a statement of the facts and circumstances upon which such belief is based, and

(b) Would not increase applicant's California intrastate gross revenue by as much as one percent.

26. (Rule 26.) Verification or Certification and Signatures.

The original of each application shall be verified under oath or certified under penalty of perjury, and shall be signed by the applicant, a responsible officer thereof, or by an agent to whom power of attorney has been given. Applications concerning joint rates or fares shall be signed by or on behalf of all carriers participating therein.

27. (Rule 27.) Contents. Applications shall state clearly and concisely the authority or relief sought and:

(a) The legal name, mailing address and telephone number of the applicant. If the carriers are numerous, and constitute all the participants of the specified tariff, they may be identified by reference to the tariff.

(b) The present rates, fares, charges or rules which are proposed to be changed and those proposed to be established.

(c) Clearly, specifically, and in detail, the justification in support of each authority sought.

(d) The position of interested parties regarding the application insofar as known to applicant.

28. (Rule 28.) Copy of Application Upon Request. Applicant shall promptly furnish a copy of the application to each interested party making a written request therefor to applicant.

29. (Rule 29.) Processing and Notice. The filing of Shortened Procedure Tariff Docket applications shall be listed in the daily calendar. (Rule 48.)

The listing shall identify the applicant and the type of application and briefly state the authority sought and the date of filing. Action on an application shall be withheld for thirty days subsequent to the first date of listing in said calendar.

30. (Rule 30.) Protests. Anyone interested may file a protest which shall:

(a) State the protestant's full name, mailing address and telephone number.

(b) State the facts constituting the grounds for protest and show how protestant is affected and why the proposed increase may not be justified.

(c) State the names of each applicant or its attorney or agent upon whom a copy of the protest is being served pursuant to Rule 31. ✓

(d) Be verified under oath or certified under penalty of perjury and be signed by protestant or its attorney.

(e) Be addressed to the California Public Utilities Commission, State Building, San Francisco, California 94102.

(f) Be forwarded so as to reach the Commission not later than the thirtieth day following the listing of the application in the daily calendar.

31. (Rule 31.) Service. One copy of each protest shall simultaneously be served upon each applicant or its attorney or agent. Service shall be made personally or by 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.

32. (Rule 32.) Copy of Protest Upon Request. Protestant shall promptly furnish a copy of the protest to each party making a written request therefor to protestant.

Article 8. Applications to Issue Stock or Evidences
of Indebtedness, or to Assume Liabilities.

33. (Rule 33.) Contents. This article applies to applications under Sections 816-830 of the Public Utilities Code. In addition to being drafted to comply with Rules 2 through 8, 15 and 16, such applications shall contain the following data, either in the body of the application or in exhibits attached thereto:

(a) A general description of applicant's property and its field of operation, the original cost of its property and equipment, individually or by class, and the cost thereof to applicant and the depreciation and amortization reserves applicable to such property and equipment, individually or by class. If it is impossible to state original cost, the facts creating such impossibility shall be stated.

(b) The amount and kind of stock, or other evidence of interest or ownership, which applicant desires to issue, and, if preferred, the nature and extent of the preference; the amount of bonds, notes or other evidences of indebtedness which applicant desires to issue, with terms, rate of interest, and whether and how to be secured; the amount and description of the indebtedness which applicant desires to assume.

(c) The purposes for which the securities are to be issued:

(1) If for property acquisition, a detailed description thereof, the consideration to be paid therefor, and the method of arriving at the amount.

(2) If for construction, completion, extension or improvement of facilities, a description thereof in reasonable detail, the cost or estimated cost thereof, and the reason or necessity for the expenditures.

(3) If for improvement of service, a statement of the character of the improvements proposed, or if for maintenance of service, a statement of the reasons why service should be maintained from capital.

(4) If for discharge or refunding of obligations, a full description of the obligations to be discharged or refunded, including the character, principal amount, discount or premium applicable thereto, date of incurrence, date of maturity, rate of interest, and other material facts concerning such obligations, together with a statement showing the purposes for which such obligations had been incurred or the proceeds expended, and the Commission's decisions, if any, authorizing the incurrence of such obligations.

(5) If for the financing of the acquisition and installation of electrical and plumbing appliances and agricultural equipment which are sold by other than a public utility, for use within the service area of the public utility, a statement of the reason or necessity for such financing.

(6) If for reorganization or readjustment of indebtedness or capitalization, or for retirement or exchange of securities, a full description of the indebtedness or capitalization to be readjusted or exchanged; complete terms and conditions of the merger, consolidation, exchange or other reorganization; a pro forma balance sheet, if possible, giving effect to such reorganization, readjustment or exchange; and a statement of the reason or necessity for the transaction.

(7) If for reimbursement of moneys actually expended from income, or from any other moneys in the treasury, a general description of the expenditures for which reimbursement is sought, the source of such expenditures, the periods during which such expenditures were made, and the reason or necessity for such reimbursement.

(d) A complete description of the obligation or liability to be assumed by applicant as guarantor, indorser, surety or otherwise, the consideration to be received by applicant, and the reason or necessity for such action.

(e) A statement corresponding to the statement required by Section 2 of General Order No. 104-A, as to all known matters designated by said section for inclusion in the annual report but occurring or proposed subsequent to the period covered by the last annual report filed by applicant; or if no such matters are known to have so occurred or are then known to be proposed, a statement to that effect; provided, that an applicant whose capital stock, or that of its parent company, is listed on a "national securities exchange," as defined in the Securities Exchange Act of 1934 (15 U.S.C. 78(a) et seq.), in lieu of the statement required by this rule shall include in the application a copy of the latest proxy statement sent to stockholders by it or its parent company if not previously filed with the Commission, provided, further, that an applicant whose capital stock, or that of its parent company, is registered with the Securities and Exchange Commission (S.E.C.) pursuant to the provisions of Section 12 (g) of said Securities Exchange Act of 1934, in lieu of the statement required by this rule shall include in the application a copy of the latest proxy statement sent to stockholders by it or its parent company containing the information required by the rules of the S.E.C. if not previously filed with the Commission.

(f) Other pertinent facts. The filing of additional information may be required by the Commission in particular instances. ✓

34. (Rule 34.) Exhibits. With the application shall be filed:

(a) Articles of incorporation and effective amendments. (See Rule 16.)

(b) Financial statement. (See Rule 17.)

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(c) Copy of deeds of trust, security agreements, mortgages, conditional sales contracts, notes or other instruments (excluding stock certificates) defining the terms of the proposed securities. If the same have already been filed, the application need only make specific reference to such filings.

(d) Copy of each plan, offer or agreement for the reorganization or readjustment of indebtedness or capitalization or for the retirement or exchange of securities.

Article 9. Applications to Sell, Lease or Encumber
Utility Property or Rights; to Merge or
Consolidate Facilities; or to Acquire
Stock of Another Utility.

35. (Rule 35.) Contents. This article applies to applications under Sections 851-853 of the Public Utilities Code.

In addition to being drafted to comply with Rules 2 through 8, 15 and 16, such applications shall be signed by all parties to the proposed transaction, except the lender, vendor under a conditional sales contract, or trustee under a deed of trust, unless such party is a public utility. In addition, they shall contain the following data:

(a) The character of business performed and the territory served by each applicant.

(b) A description of the property involved in the transaction, including any franchises, permits, or operative rights; and, if the transaction is a sale, lease, assignment, merger or consolidation, a statement of the book cost and the original cost, if known, of the property involved.

(c) Detailed reasons upon the part of each applicant for entering into the proposed transaction, and all facts warranting the same.

(d) The agreed purchase price and the terms for payment. If a merger or consolidation, the full terms and conditions thereof.

(e) Other pertinent facts. The filing of additional information may be required by the Commission in particular cases.

36. (Rule 36) Exhibits. With the application shall be filed:

(a) In consolidation and merger proceedings, a financial statement as outlined in Rule 17. In other transfer proceedings, a balance sheet as of the latest available date, together with an income statement covering period from close of last year for which an annual report has been filed with the Commission to the date of the balance sheet attached to the application.

(b) Copy of proposed deed, bill of sale, lease, security agreement, mortgage, or other encumbrance document, and contract or agreement therefor, if any, and copy of each plan or agreement for purchase, merger or consolidation.

(c) If a merger or consolidation, a pro forma balance sheet giving effect thereto.

37. (Rule 37) Additional Requirements for Carriers. In addition to the above requirements, if the transaction involves a certificate or operative right under Sections 1005-1010, 1031-1036, or 1061-1067 of the Public Utilities Code, the application shall show the following data:

(a) The territory or points served, the nature of the service, the effect of the transaction upon present operations or rights of the applicant carrier, the names of all common carriers with which the proposed service is likely to compete, and a certification that a copy of the application has been served upon or mailed to each such carrier named. Applications shall also name all other parties to whom copies of the application will be mailed. Applicants shall promptly notify the Commission of such mailing. Applicants shall also mail copies to such additional parties and within such times as may be designated by the Commission.

(b) As to the seller, whether it is a party to any through routes or joint rates or fares with any other carrier, and whether operation under the rights involved is presently being conducted. If there has been any suspension or discontinuance of service during the preceding three years, the application shall state the facts and circumstances thereof.

Article 10. Applications to Construct, Alter or Abolish Railroad Crossings.

This article applies to applications under Sections 1201-1205 of the Public Utilities Code, and the requirements hereof are in addition to Rules 2 through 8, 15 and 16.

38. (Rule 38) To Construct a Public Highway Across a Railroad.

Applications to construct a public road, highway, or street across a railroad must be made by the municipal, county, state, or other governmental authority which proposes the construction, and shall contain the following data:

- (a) A legal description of the location of the proposed crossing.
- (b) Crossing numbers of the nearest existing public crossing on each side of the proposed crossing. (Numbers may be obtained from the crossing sign at the crossing, or from the office of the railroad.)
- (c) A statement showing the public need to be served by the proposed crossing.
- (d) If the proposed crossing is at grade, a statement showing why a separation of grades is not practicable.
- (e) A statement showing the signs, signals, or other protection which applicant recommends be provided at the proposed crossing.
- (f) A map of suitable scale (50 to 200 feet per inch) showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view for a distance of at least 400 feet along the railroad and 200 feet along the highway in each direction from the proposed crossing. Such map shall show the character of surface or pavement and width of same, either existing or proposed, on the street or road adjacent to the proposed crossing and on each side thereof.

(g) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing roads and railroads in the general vicinity of the proposed crossing.

(h) A profile showing the ground line and grade line and rate of grades of approach on all highways and railroads affected by the proposed crossing.

39. (Rule 39) To Widen or Relocate an Existing Crossing. When the political subdivision or governmental authority having jurisdiction desires to widen, relocate, or otherwise alter an existing crossing, the application shall show the information required by Rule 38, supra, except that the crossing number of the crossing proposed to be altered shall be stated, instead of the information required by Rule 38(b).

40. (Rule 40) To Construct a Railroad Track Across a Public Highway. When a railroad desires to construct a track across a public road, highway or street, it shall mail a copy of its application to the municipal, county, state or other governmental authority having jurisdiction and control over the highway or charged with its construction and maintenance. The original thereof shall contain a certification of such mailing. Such application shall comply with Rule 38(a), (c), (d), (e), (f), (g), and (h), and shall also contain the following information:

(a) There shall be attached to the original application a certified copy of the franchise or permit, if any be requisite, from the authority having jurisdiction, which gives to the railroad the right to cross the highway involved, and a copy thereof shall be attached to each copy of the application. If such franchise or permit has already been filed, the application need only make specific reference to such filing.

(b) The proposed crossing number shall be stated.

(c) The map referred to in Rule 38(f) shall also show, by distinct colorings or lines, all new tracks or changes in existing tracks, within the limits of the drawing, which are to be made in connection with the construction of the proposed crossing. ✓

41. (Rule 41) To Construct a Railroad or Street Railroad Across a Railroad or Street Railroad. Applications to construct a railroad track across a railroad or street railroad shall also contain the following:

(a) A map of suitable scale (50 to 200 feet per inch) showing accurate locations of all streets, roads, property lines, tracks, buildings, structures or other obstructions to view in the immediate vicinity.

(b) A map of suitable scale (1,000 to 3,000 feet per inch) showing the relation of the proposed crossing to existing railroads in the general vicinity.

(c) A profile showing the ground line and grade line of approaches on all railroads affected.

(d) A true copy of the contract executed by the parties, or other evidence that the carrier to be crossed is willing that the crossing be installed.

Article 11. Other Applications or Petitions.

42. (Rule 42) Generally. Applications and pleadings relating to matters not specifically mentioned in these rules shall be in compliance with Rules 2 through 8, 15 and 16. Inquiries may be directed to the Secretary of the Commission. An application for authorization to modify the subject matter of a previous related proceeding may incorporate such proceeding by reference.

43. (Rule 43) Petitions for Extension of Effective Date of, or Time to Comply with, or Other Modification of a Decision.

Such petitions shall set forth specifically the reasons for the requested extension or modification. Requests for extensions of time to comply with decisions may also be made by letters to the Commission.

Article 12. Filing, Docket, and Daily Calendar.

44. (Rule 44) Filing. Pleadings, briefs and other documents shall be filed with the office of the Secretary of the Commission at San Francisco or Los Angeles.

45. (Rule 45) Filing Fees. Except as provided in P. U. Code, Secs. 1036, 1064, and 1064.1, a filing fee of \$50.00 is required on each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer or assignment thereof (P. U. Code, Sec. 1904). A filing fee of \$150.00 is required on each application for a certificate of public convenience and necessity as a highway common carrier, cement carrier, or petroleum irregular route carrier (P. U. Code, Sec. 1064), or for the transfer, lease, encumbrance or assignment thereof (P. U. Code, Sec. 1064.1). A filing fee is not required on an application for a certificate by a passenger stage corporation which is already operating in the immediate vicinity under the jurisdiction of the Commission (P. U. Code, Sec. 1036).

46. (Rule 46) Rejection of Filings. Pleadings, briefs or documents which are not in substantial compliance with these rules, Commission orders, or applicable statutes, will not be filed. The Secretary may return such papers with an indication of the deficiencies therein and the reasons for not filing same, or, in the event that a pleading omits information required by these rules,

may require the filing of an amendment containing such information. Tendered filings which have been rejected shall not be entered on the Commission's docket. The mere fact of filing shall not waive any failure to comply with these rules, and the Commission may require amendment of a pleading, or entertain appropriate motions in connection therewith.

47. (Rule 47) Docket. The Secretary's office shall maintain a docket of all proceedings, and each proceeding shall be assigned an appropriate designation. Such docket shall be available for public inspection at the San Francisco office during office hours.

48. (Rule 48) Daily Calendar. The Secretary shall cause to be maintained a daily calendar of proceedings filed and proceedings set for hearing, which calendar shall be available for public inspection at the office of the Secretary in San Francisco and Los Angeles. Printed copies of such calendar may be obtained by subscription at such price as may be established by the Commission.

Article 13. Prehearing Procedure and
Exchange of Exhibits.

49. (Rule 49) Prehearing Conference. A presiding officer may hold a prehearing conference for the purposes of formulating or simplifying the issues, arranging for the exchange of proposed exhibits or prepared expert testimony, limitation of number of witnesses, and such other matters as may expedite orderly conduct and disposition of the proceeding.

50. (Rule 50) Facts Disclosed Privileged. Facts disclosed in prehearing conferences are privileged. Except by agreement, they shall not be used against participating parties, before the Commission or elsewhere, unless proved by evidence other than that employed in disclosing such facts.

Article 14. Hearings.

51. (Rule 51) Notice. In complaint or investigation proceedings, the Commission will give notice of hearing at least ten days before such hearing, unless it be found that public necessity requires hearing at an earlier date. Comparable notice ordinarily will be given when hearings are held in application proceedings.

52. (Rule 52) Publication of Notice. In rate increase applications filed by gas, electric, telephone and water utilities, unless specifically exempted or otherwise provided for by the Commission; the applicant, not less than five nor more than thirty days prior to the initial hearing, shall give notice of hearing to entities or persons who may be affected thereby, (1) by posting hearing notice in public places and (2) by publishing notice in a newspaper, or newspapers of general circulation in the area or areas concerned, of the time, date and place of such hearing. If ordered by the assigned Commissioner or Examiner, applicant shall give notice by bill inserts or by mail to the last known billing address of customers on applicant's records. Proof of such publication and sample copies of the other notices must be filed at or before the hearing.

In other types of applications, applicant shall provide such notice to the public as the assigned Commissioner or Examiner may designate for such proceeding. Sample copies of forms of such notices shall be filed at or before the hearing.

53. (Rule 53) Intervention. In a complaint proceeding petitions to intervene and become a party thereto shall be in writing, shall set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the relief sought. Such a petition shall be served and filed by petitioner at

least five days before the proceeding is called for hearing, except for good cause shown. If petitioner seeks a broadening of the issues and shows that they would not thereby be unduly broadened, the petition shall be served and filed by petitioner at least ten days, and the parties may serve and file replies at least five days, before the matter is called for hearing.

Leave will not be granted except on averments which are reasonably pertinent to the issues already presented, but do not unduly broaden them. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding to the degree indicated by the order allowing intervention, or by the presiding officer at the hearing.

54. (Rule 54) Participation Without Intervention. In an investigation or application proceeding, or in such a proceeding when heard on a consolidated record with a complaint proceeding, an appearance may be entered at the hearing without filing a pleading, if no affirmative relief is sought, if there is full disclosure of the persons or entities in whose behalf the appearance is to be entered, if the interest of such persons or entities in the proceeding and the position intended to be taken are stated fairly, and if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed.

A person or entity in whose behalf an appearance is entered in this manner becomes a party to and may participate in the proceeding to the degree indicated by the presiding officer.

55. (Rule 55) Consolidation. Proceedings involving related questions of law or fact may be consolidated.

56. (Rule 56) Motion to Dismiss. A motion to dismiss (other than a motion based upon a lack of jurisdiction) any

proceeding before this Commission, which is based upon the pleadings or any matter occurring before the first day of hearing may only be made upon five days' written notice thereof duly filed and served upon all parties to the proceeding and all other parties upon whom service of copies of the pleadings are therein shown to have been made.

57. (Rule 57) Order of Procedure. In hearings on complaints, applications and petitions, the complainant, applicant, or petitioner shall open and close.

In hearings on investigation proceedings where filed rates or rules which do not result in an increase have been suspended, the respondent shall open and close. In other investigation proceedings, the Commission's staff shall open and close. Interveners shall follow the parties in whose behalf the intervention is made. The presiding officer, where circumstances warrant, may vary the order of presentation.

58. (Rule 58) Limiting Number of Witnesses. To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony upon a particular issue.

Article 15. Subpoenas.

59. (Rule 59) Requests for Subpoenas. Requests for the issuance of subpoenas, requiring the attendance of a witness for the purpose of taking oral testimony before the Commission, shall be in writing and may be made by letter or wire.

60. (Rule 60) Subpoenas Duces Tecum. Requests for the issuance of subpoenas for the production of documents or records shall be in writing and shall be accompanied by an affidavit specifying the particular document or record, or part thereof,

desired to be produced, stating the reasons why the production thereof is believed to be material and relevant to the issues involved.

61. (Rule 61) Who May Issue. Subpoenas may be issued by the Commission, a Commissioner, an Examiner, the Secretary, or an Assistant Secretary. No subpoena shall issue unless applicant therefor establishes that he has a proper relation to the matter, and gives the name and address of the desired witness. Signed and sealed blank subpoenas will not be issued to anyone. The name and address of the witness shall be inserted in the original subpoena, a copy of which shall be filed in the proceeding. Subpoenas shall show at whose instance the subpoena is issued.

Article 16. Presiding Officers.

62. (Rule 62) Designation. When evidence is to be taken in a proceeding before the Commission, one or more of the Commissioners, or an Examiner, may preside at the hearing.

63. (Rule 63) Authority. The presiding officer may set hearings and control the course thereof; administer oaths; issue subpoenas; receive evidence; hold appropriate conferences before or during hearings; rule upon all objections or motions which do not involve final determination of proceedings; receive offers of proof; hear argument; and fix the time for the filing of briefs. He may take such other action as may be necessary and appropriate to the discharge of his duties, consistent with the statutory or other authorities under which the Commission functions and with the rules and policies of the Commission.

Article 17. Evidence.

64. (Rule 64) Form and Admissibility. Although technical rules of evidence ordinarily need not be applied in hearings before the Commission, substantial rights of the parties shall be preserved.

65. (Rule 65) Rulings. The presiding officer shall rule on the admissibility of all evidence. Such rulings may be reviewed by the Commission in determining the matter on its merits. In extraordinary circumstances, where prompt decision by the Commission is necessary to promote substantial justice, the presiding officer may refer the matter to the Commission for determination.

66. (Rule 66) Objections and Exceptions. When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exceptions to rulings are unnecessary and need not be taken.

67. (Rule 67) Offer of Proof. An offer of proof for the record shall consist of a statement of the substance of the evidence to which objection has been sustained.

68. (Rule 68) Prepared Testimony. With the approval of the presiding officer, a witness may read into the record his testimony on direct examination. Before any prepared testimony is read, unless excused by the presiding officer, the witness shall deliver copies thereof to the presiding officer, the reporter, and all counsel or parties. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result, and where the parties so agree, prepared testimony may be identified and accepted as an exhibit or copied into the record without reading, provided that copies thereof shall have been served upon all parties and the Commission ten days before the hearing or such prior service is waived.

69. (Rule 69) Documentary Evidence. If relevant and material matter offered in evidence is embraced in a document containing other matter, the party offering it shall designate specifically the matter so offered. If other matter in the document would unnecessarily encumber the record, the document will not be received in evidence, but at the discretion of the presiding officer, the

relevant and material matter may be read into the record or copies thereof received as an exhibit. Other parties shall be afforded opportunity to examine the document, and to offer in evidence other portions thereof believed material and relevant.

70. (Rule 70) Exhibits. Exhibits shall be legible and either prepared on paper not exceeding 8 1/2 x 13 inches in size, or bound or folded to that approximate size. Wherever practicable, the sheets of each exhibit should be numbered, and rate comparisons and other figures shall be set forth in tabular form. Copies of exhibits must be clear and permanently legible.

71. (Rule 71) Copies. When exhibits are offered in evidence, the original shall be furnished to the presiding officer and a copy to the reporter and to each party, unless the presiding officer directs otherwise.

72. (Rule 72) Commission Records. If any matter contained in a document on file as a public record with the Commission is offered in evidence, unless directed otherwise by the presiding officer, such document need not be produced as an exhibit, but may be received in evidence by reference, provided that the particular portions of such document are specifically identified and are competent, relevant and material. If testimony in proceedings other than the one being heard is offered in evidence, a copy thereof shall be presented as an exhibit, unless otherwise ordered by the presiding officer.

73. (Rule 73) Official Notice of Facts. Official notice may be taken of such matters as may be judicially noticed by the courts of the State of California.

74. (Rule 74) Additional Evidence. At the hearing, the presiding officer may require the production of further evidence upon any issue. Upon agreement of the parties, he may authorize the filing of specific documentary evidence as a part of the record within a fixed time after submission, reserving exhibit numbers therefor.

Article 18. Briefs and Oral Arguments.

75. (Rule 75) Briefs. The presiding officer may fix the time for the filing of briefs. Concurrent briefs are preferable. Exhibits may be reproduced in an appendix to a brief. A brief of more than twenty pages shall contain a subject index and table of authorities. Requests for extension of time to file briefs must be made to the Commission in writing, and a copy thereof served upon or mailed to the other parties to the proceeding. Ordinarily, when a matter has been submitted on concurrent briefs, extensions will not be granted unless a stipulation is filed with the Commission. The original of each brief shall contain a certification that copies have been served upon or mailed to each party or his attorney.

76. (Rule 76) Oral Argument. If the Commission or the presiding officer is of the opinion that the complexity or importance of the issues so warrant, the Commission or the presiding officer may direct or permit the presentation of oral argument.

Article 19. Decisions and Proposed Reports.

77. (Rule 77) Issuance of Decisions. A proceeding shall stand submitted for decision by the Commission after the taking of evidence, and the filing of such briefs or the presentation of such oral argument as may have been prescribed by the Commission or the presiding officer.

78. (Rule 78) Petition for Proposed Report. A party to a proceeding may file a petition requesting that a proposed report be issued by the presiding officer. Such petition shall be filed and called to the attention of the presiding officer before the conclusion of the hearing. The original and twelve copies of the petition shall be filed with the Commission, and the original shall

show that copies have been served upon all parties to the proceeding. The petition shall set forth the reasons why it is believed that issuance of such a proposed report will promote the administration of justice and will not cause unreasonable delay in the final determination of the proceeding. Objections may be served and filed by other parties within five days after service of the petition.

79. (Rule 79) Proposed Reports. Upon direction by the Commission, the presiding officer shall prepare and file his proposed report. The Secretary's office shall cause copies thereof to be served upon all parties to the proceeding. Such proposed report shall contain recommended findings, conclusions, and order.

80. (Rule 80) Exceptions. A party may serve and file exceptions to a proposed report within twenty days after service thereof. Exceptions shall be specific, and stated and numbered separately. Exceptions to factual findings shall specify the portions of the record relied upon; proposed substitute findings; and proposed additional findings, with supporting reasons. Exceptions to conclusions shall cite statutory provisions or principal authorities relied upon; proposed substitute conclusions; and proposed additional conclusions.

81. (Rule 81) Replies to Exceptions. Replies may be served and filed within fifteen days after service of exceptions.

82. (Rule 82) Service of Orders. Decisions and orders shall be served by the Secretary's office by mailing copies thereof to the parties of record. When service is not accomplished by mail, it may be effected by personal delivery of a copy thereof. When a party to an application proceeding has appeared by a representative, service upon such representative shall be deemed to be service upon the party.

83. (Rule 83) Effective Date. Decisions and orders in complaint or investigation proceedings shall become effective twenty days after service thereof, unless otherwise provided therein. Decisions and orders in other proceedings shall become effective twenty days after issuance thereof, unless otherwise provided therein.

Article 20. Reopening Proceedings.

84. (Rule 84) Petition to Set Aside Submission. After conclusion of hearings, but before issuance of a decision, a party to the proceeding may serve on all other parties, and file with the Commission, a petition to set aside submission and reopen the proceeding for the taking of additional evidence. Such petition shall specify the facts claimed to constitute grounds in justification thereof, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing. It shall contain a brief statement of proposed additional evidence, and explain why such evidence was not previously adduced.

Article 21. Rehearings.

85. (Rule 85) Petitions for Rehearing. Petitions for rehearing of an order or a decision shall be served upon all parties and should be filed before the effective date thereof, or, if the Commission has fixed a date earlier than the 10th day after issuance as the effective date of the order or decision, then before the 10th day after the date of issuance. (See P. U. Code, Sec. 1731.) Petitions shall set forth specifically the grounds on which petitioner considers the order to be unlawful or erroneous.

86. (Rule 86) Effect of Filing. Mere filing of a petition for rehearing shall not excuse compliance with a decision. A petition filed ten or more days before but not granted or denied before the effective date of an order suspends the order until the petition is granted or denied. (See P. U. Code, Sec. 1733.)

Article 22. Rules.

87. (Rule 87) Construction and Amendment. These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented. In special cases and for good cause shown, the Commission may permit deviations from the rules. Rules may be amended at any time by the Commission.

Article 23. Forms.

88. (Rule 88) Forms. The following skeleton forms of applications, complaint, answer and protest are merely illustrative as to general form. The content of a particular pleading will vary, depending upon the subject matter and applicable procedural rules.

1. Application
2. Complaint
3. Answer
4. Application - Shortened Procedure Tariff Docket
5. Protest - Shortened Procedure Tariff Docket

No. 1 - Application

(See Rules 2-8 and 15-43)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOHN JONES (Jones Rapid Transit) to operate bus service between San Francisco and South San Francisco; to establish fares; and to issue a \$10,000 note.

Application No.

(Commission will insert number)

APPLICATION

The application of (exact legal name, mailing address and telephone number of each applicant) respectfully shows:

1. That communications in regard to this application are to be addressed to (name, title, and address).
2. (Here, and in succeeding numbered paragraphs, set forth the specific facts required by the applicable rules, together with additional facts deemed material).

WHEREFORE, applicant requests an order (here state clearly and concisely the specific authorization sought by applicant).

Dated at _____, California, this _____ day of _____, 19__.

(Signature of each applicant)

(Signature, address and telephone number of attorney, if any)

No. 1 - Application (Continued)

Verification*

(See Rules 5 and 6)

(Where Applicant is an Individual)

I am the applicant in the above-entitled matter; the statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ (date) _____ at _____ (name of city) _____,
California.

(Applicant)

*Where execution occurs outside California, verification must be made in accordance with the law of the state where execution occurs.

No. 1 - Application (Continued)

Verification

(See Rules 5 and 6)

(Where Applicant is a Corporation)

I am an officer of the applicant corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ (date) _____ at _____ (name of city) _____, California.

(Signature and Title of
Corporate Officer)

(Where Applicant is absent from
County of Attorney's Office)

I am the attorney for the applicant herein; said applicant is absent from the County of _____, California, where I have my office, and I make this verification for said applicant for that reason; the statements in the foregoing documents are true of my own knowledge except as to the matters which are therein stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ (date) _____ at _____ (name of city) _____, California.

(Attorney for Applicant)

No. 2 - Complaint

(See Rules 2-8 and 9-11)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John A. Jones,)
 Complainant,)
 vs.)
 Smith Public Utility System,)
 a corporation,)
 Defendant.)

Case No.

 (Commission will
 insert number)

COMPLAINT

The complaint of (exact legal name, mailing address and telephone number of each complainant) respectfully shows:

1. That defendant is (full name and address of each defendant).
2. (Here, and in succeeding numbered paragraphs, set forth fully and clearly the facts constituting the grounds of the complaint and the injury complained of.)

WHEREFORE, complainant requests an order (here state clearly and concisely the exact relief desired).

Dated at _____, California, this _____ day of _____, 19__.

(Signature of each complainant)

(Signature, address and telephone number of attorney, if any)

Verification

Use appropriate form of verification as set forth following Form 1, substituting "complainant" for "applicant".

(See Rules 2-8 and 13)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John A. Jones,
 Complainant,
 vs.
 Smith Public Utility System,
 a corporation,
 Defendant.

Case No.

(Insert number on complaint)

ANSWER

Defendant (exact legal name, mailing address and telephone number of each defendant joining in answer), for answer to the above complaint, respectfully shows:

1. (Here, and in succeeding numbered paragraphs, admit or deny material allegations of the complaint, and set forth any matters constituting a defense.)

WHEREFORE, defendant requests that the complaint be dismissed (or other appropriate request).

Dated at _____, California, this _____ day of _____, 19__.

(Signatures of each defendant joining in answer)

(Signature, address and telephone number of attorney, if any)

Verification

Use appropriate form of verification as set forth following Form 1, substituting "defendant" for "applicant".

No. 4 - Application - Shortened Procedure Tariff Docket

(See Rules 2, 3, 7 and 25 - 28)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of John Jones under the Shortened Procedure Tariff Docket to make increases in (here state specifically or by reference the increase in rates sought to be made, and specify short notice and long- and short-haul authority, if any, sought).

Application No.

(Commission will insert number)

APPLICATION - SHORTENED PROCEDURE TARIFF DOCKET

The application of (exact legal name, mailing address and telephone number of each applicant) respectfully shows:

1. Authorization is requested to (here state clearly and concisely the specific authority or authorities sought, together with the current rates, fares, charges or rules being increased).

2. This application is based upon the following facts and circumstances:

(Here, and in succeeding numbered paragraphs or attached exhibits, set forth the specific facts required by the applicable rules, a statement of or reference to exhibits showing present and proposed rates, fares, charges, or rules, and the additional facts and circumstances deemed to be material).

3. The position of interested parties in this matter is as follows:

(Here list the position of each interested party insofar as known).

C. 4924, 7234 ab/gf *

No. 4 - Application - Shortened Procedure Tariff Docket
(Continued)

4. Applicant will furnish a copy of this application to any interested party upon written request.

Dated at _____, California, this _____
day of _____, 19____. ✓

Signature: _____

Title: _____

Address: _____

Telephone Number: _____

Verification

Use appropriate form of verification as set forth following Form 1. ✓

No. 5 - Protest - Shortened Procedure Tariff Docket

(See Rules 2, 3, 7 and 30 - 31)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of John Jones under the Shortened Procedure Tariff Docket to make increases in (here state specifically or by reference the increase in rates sought to be made, and specify short notice and long- and short-haul authority, if any, sought).

Application No.

(Insert the number of the application)

PROTEST - SHORTENED PROCEDURE TARIFF DOCKET

The protest of (exact legal name, mailing address and telephone number of each protestant) respectfully shows:

1. (Here, and in succeeding numbered paragraphs or attached exhibits, state the facts constituting the grounds for the protest and show how protestant is affected by the proposed increase and indicate in what respects the proposed increase is considered not justified.)

2. Applicants, as shown on the following list (or on an attached list), have been served with a copy of this protest by (here state the manner of service). (Here list the names and addresses of parties served.)

3. Protestant will furnish a copy of this protest to any other interested party upon written request.

Dated at _____, California, this _____ day of _____, 19__.

Signature: _____

Title: _____

Address: _____

Telephone No. _____

Verification

Use appropriate form of verification as set forth following Form 1, substituting "protestant" for "applicant".

APPENDIX B
Page 1 of 2LIST OF APPEARANCES

FOR RESPONDENTS:

McCutchen, Doyle, Brown & Enersen, by A. Crawford Greene, Jr., for California Water Service Company and San Jose Water Works; Rollin E. Woodbury, Harry W. Sturgas, Jr., and John R. Bury, for Southern California Edison Company; Armand Karp, for Callison Truck Lines, Inc.; Roger L. Ramsey, for United Parcel Service; Robert Salter, for Southern California Gas Company; Russell D. Twomey, Jr., for Southern Counties Gas Company of California and Pacific Lighting Gas Supply Company; Robert M. Olson, for Pacific Lighting Service and Supply Company, Southern California Gas Company and Southern Counties Gas Company; John J. Doherty of Chickering and Gregory, for San Diego Gas & Electric Company; and Leland R. Selna, Jr., for Pacific Gas and Electric Company.

INTERESTED PARTIES:

Donald J. Carman and Richard Edsall, for California Electric Power Company; James M. Cooper and Charles C. Miller, for San Francisco Chamber of Commerce; Noel Dyer, for Western Union Telegraph Company; Maurice D. L. Fuller, Jr., for The Pacific Telephone and Telegraph Company; Aaron H. Glickman, for California Motor Tariff Bureau; James C. Haugh, for San Diego Transit System; William L. Knecht and Ralph Hubbard, for California Farm Bureau Federation; Harry P. Letton, Jr. and John Ormasa, for Southern California Gas Company; Francis N. Marshall, for Standard Oil Company of California; William T. Meinhold, for The Greyhound Corporation (Western Greyhound Lines Division); Jeff H. Myers, for the Port of San Francisco; Walter G. Ramsay, for California Water & Telephone Company; F. T. Searls and John C. Morrissey, by John C. Morrissey, for Pacific Gas and Electric Company; Oscar Sattinger and Russell Twomey, for Pacific Lighting Gas Supply Company; Milford Springer and Robert M. Olson, Jr., for Southern Counties Gas Company of California; R. D. Toll, J. X. Quintrall, A. D. Poe and J. C. Kaspar, for California Trucking Association; Robert C. Ellis, for California Motor Express, Ltd. and California Motor Transport Co.; Robert L. Pierce, for California railroads, their motor and express subsidiaries; Graham James & Rolph, by Boris H. Lakusta, for himself; George D. Rives and Robert N. Lowry, of Brobeck, Phleger & Harrison, for Pacific Power & Light Company and United Air Lines, Inc.; Chickering & Gregory, by Sherman Chickering, C. Hayden Ames and Richard Morris, and Stanley Jewell, for San Diego Gas & Electric Company; E. K. Slusser, for Permanente Cement Company; C. R. Nickerson, for Members of Pacific Coast Tariff Bureau; Gibson, Dunn & Crutcher, by Raymond L. Curran, for themselves; William Irl Kennedy, for Union Pacific Railroad Company; Eugene A. Reid and William E. Evers, for California Manufacturers Association; Patrick J. Maloney, for California Water Association and Carpinteria Water Company; Theodore W. Russell, for Transcontinental Bus System, Inc., American Bus Lines, Inc., Continental Pacific Line, Inc., and Gibson Lines; McCutchen, Block, Verleger & Shea, by Philip K. Verleger and Max K. Jamison, for Western Oil & Gas Association; R. W. Russell, by K. D. Walpert, for

APPENDIX B
Page 2 of 2

LIST OF APPEARANCES

Department of Public Utilities and Transportation of the City of Los Angeles; Preston Turner, for the City of Anaheim; Stark Fox, for Oil Producers Agency of California; James H. Krieger, for California Interstate Telephone Company; John E. Skelton, for San Gabriel Valley Water Company; Arthur D. Guy, Jr., for Suburban Water Systems and Southwest Water Company; E. O. Blackman, for California Dump Truck Owners Association; Waldo A. Gillette, for Monolithic Portland Cement Company; W. Harney Wilson, for Southern Pacific and its rail subsidiaries, Union Pacific, Western Pacific and Santa Fe; E. J. Longhofer, for San Diego Chamber of Commerce; W. J. Knoell, for Western Motor Tariff Bureau, Inc.; Leland E. Butler, for The Atchison, Topeka and Santa Fe Railway Company; Marshall W. Vorkink, for Union Pacific Railroad Company; Harvey Scott, for California Bus Association; Edward L. Blincoe, as an individual and as President of the Utility User's League of California; Robert E. Murphy and Miriam E. Wolff, for the Attorney General of the State of California; Paul A. Webber of Orrick, Dahlquist, Herrington & Sutcliffe, for California Pacific Utilities, Western California Telephone Company, Central California Telephone Company, Kern Mutual Telephone Company and Campbell Water Company; Neal C. Hasbrook, for California Independent Telephone Association; George D. Moe and Warren P. Marsden, for California Department of Public Works; Tadini Bacigalupi, Jr., of Bacigalupi, Elkus and Salinger, for California Water Association; Robert L. Pierce, General Solicitor Southern Pacific Company, for California railroads and their motor carrier and pipeline subsidiaries, and Thomas E. Hendrick of Pillsbury, Madison and Sutro, for Standard Oil Company; Claude N. Rosenberg, for California Water and Telephone Company.

COMMISSION STAFF:

C. Ray Bryant, by Robert A. Lane; Elinore Charles; Frank F. Watters; and John F. Donovan.