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**ORIGINAL**

Decision No. 72511

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
own motion into the operations, )  
rates and practices of ADOLPH Q. ) Case No. 8190  
TOLEDO and CHARLES B. TOLEDO, do- )  
ing business as TOLEDO TRUCKING. )

William H. Kessler, for respondents.  
Jerome Hannigan and William C.  
Ericca, Counsel, for the Commis-  
sion staff.

O P I N I O N

By its order dated June 1, 1965, the Commission instituted an investigation into the rates, operations, and practices of Adolph Q. Toledo and Charles B. Toledo, doing business as Toledo Trucking.

Public hearing was held before Examiner Porter at Fresno, August 31, 1965, and at Modesto, November 9, 1965, and the matter was submitted.

The case concerns alleged minimum rate violation on the transportation of hides and bins and waste from poultry processing plants within the City of Modesto and between Turlock and Oakdale and Modesto.

On October 25, 1965, respondents filed Application No. 47998 seeking minimum rate and documentary deviations on this transportation. Decision in Case No. 8190 was held in abeyance. By Decision No. 70647, dated May 3, 1966, the sought authority was denied. Respondents petitioned for rehearing. Rehearing was granted and on October 10, 1966, rehearing was held, and Decision No. 72211 was issued on March 28, 1967 granting, in part, relief to respondents.

It had been the staff's contention in Case No. 8190 that waste from poultry processing plants was in fact chicken feathers, the transportation of which would require the assessment of a higher rate than waste from poultry plants. In Application No. 47998 and the rehearing, this material was treated as waste.

Due to Decision No. 72211, in Application No. 47998, and because of the length of time between the filing of Case No. 8190 and the issuance of said Decision No. 72211, this investigation should be discontinued.

O R D E R

IT IS ORDERED that Case No. 8190 is discontinued.

The Secretary of the Commission is directed to cause personal service of this order to be made upon respondents. The effective date of this order shall be twenty days after the date of completion of such service.

Dated at San Francisco, California, this 31<sup>st</sup> day of MAY, 1967.

*John E. Mitchell*  
President  
*William L. Bernard*  
*Avogadro*  
*William Sproule Jr.*  
*Paul P. Morsley*  
Commissioners