

ORIGINALDecision No. 73385

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into)
 the rates, rules, regulations, charges,)
 allowances and practices of all common)
 carriers, highway carriers and city)
 carriers relating to the transportation)
 of sand, rock, gravel and related items)
 (commodities for which rates are)
 provided in Minimum Rate Tariff No. 7).

Case No. 5437
 (Order Setting Hearing, dated
 March 24, 1959
 and Petitions Nos. 48, 65,
 80 and 90)

SUPPLEMENTAL OPINION AND ORDER

Decisions Nos. 71874 and 71875, issued January 17, 1967 in these proceedings, established asphaltic concrete zone rates in Minimum Rate Tariff No. 17 (MRT 17) for two- and three-axle dump trucks; canceled corresponding zone rates in Minimum Rate Tariff No. 7 (MRT 7); and provided that for four- and five-axle dump truck equipment the minimum rates for asphaltic concrete transported within the geographical area embraced by MRT 17 should be the hourly rates set forth in MRT 7.

The effective date of Decisions Nos. 71874 and 71875 was stayed pending the disposition of California Asphalt Pavement Association's petition for a writ of review in the Supreme Court of the State of California. That Court denied review on October 11, 1967. Decisions Nos. 71874 and 71875 were made effective November 6, 1967, pursuant to Decisions Nos. 73274 and 73275, issued October 27, 1967. Tariff pages attached to said decisions are scheduled to become effective December 11, 1967.

On November 3, 1967, the California Asphalt Pavement Association (CAPA) filed a pleading seeking: (1) an ex parte order revising the rates in MRT 17 established by Decision No. 71874 to reflect the current basic traverse network underlying the zone rates

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for rock, sand and gravel in MRT 17 adopted in Decision No. 73256, dated October 27, 1967; and (2) a stay of the effective date of the rate pages attached to Decision No. 73275, pending the revision sought in paragraph (1).

The Commission takes official notice of Decision No. 73256, and finds: (1) that the basic traverse network adopted therein for rock, sand and gravel should be made applicable to asphaltic concrete and cold road oil mixture as soon as feasible by separate order and (2) that administrative processes involved in the issuance of such an order may require some time to accomplish, and because of possible delays the rates established pursuant to Decision No. 71874 should not be stayed pending the issuance of said order.

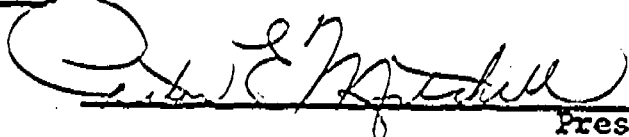
In accordance with the foregoing findings, the Commission concludes that the petition filed by CAPA insofar as it seeks a stay of the effective date of tariff provisions established pursuant to Decisions Nos. 71874 and 71875 should be denied, and that Minimum Rate Tariff No. 17 should be amended by separate order to reflect changes in basic traverses. In the circumstances, the balance of the petition should be dismissed to clear the Commission's docket.

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IT IS ORDERED that the portion of the pleading filed by California Asphalt Pavement Association on November 3, 1967 in these proceedings requesting a stay of the effective date of minimum rates established by Decisions Nos. 71874 and 71875 is denied, and the balance of said pleading is dismissed.


The effective date of this order shall be the date hereof.

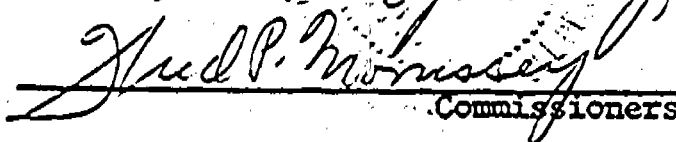
Dated at San Francisco, California, this 21st
day of NOVEMBER, 1967.



President






Commissioners

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