

**ORIGINAL**

Decision No. 73942

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)

ORDER DISCONTINUING PROCEEDINGS

Pursuant to Order Setting Hearing, dated March 24, 1959, the Commission's Transportation Division staff was directed to make a complete and independent investigation of the costs, rates, rules, zones and other matters pertaining to the transportation of property by dump truck within California and to develop specific recommendations for necessary tariff changes.

Petitions Nos. 48, 65, 80 and 90, filed by the California Dump Truck Owners Association, seek the establishment of dump truck zone rates in Southern Territory and related relief.

Following extensive public hearings in these proceedings, the Commission established Minimum Rate Tariff No. 17 and Southern California Production Area and Delivery Zone Directory 1, and, in several steps, established therein production areas, delivery zones, and zone rates for the transportation of rock, sand, gravel, asphaltic concrete, and decomposed granite within and between the so-called "expanded core area" of Southern California.<sup>1/</sup>

<sup>1/</sup> Decisions Nos. 61893, 62962, 68543, 69469, 69859, 70002, 70546, 71874, 71875, 72393 and 73274.

Asphaltic concrete rates were initially established in MRT 17 in Decision No. 68543 (64 Cal.P.U.C. 30). Rehearing of that decision was granted. Petitioners for rehearing were California Asphalt Pavement Association and California Trucking Association. Following rehearing Decision No. 71874 was issued. Said decision was stayed pending disposition of California Asphalt Pavement Association's petition for a writ of review in the Supreme Court of the State of California. Upon denial of review by that court, the asphaltic concrete rates established in Decision No. 71874 were made effective December 11, 1967. Some of the matters raised in petitions for rehearing of Decision No. 68543 were not fully disposed of in Decision No. 71874.

California Asphalt Pavement Association (CAPA) addressed a letter to the Commission dated December 22, 1967 (received herein as Exhibit A-94). Said letter reads, in part, as follows:

"While we recognize that further hearings were contemplated at the time Decisions Nos. 73274 and 73275 were entered, we also recognize that such decisions are now effective and that the minimum rate changes adopted therein became effective on December 11, 1967.

"We further recognize that these proceedings have been pending before the Commission for nearly nine years and that much of the testimony and exhibits contained in the record is outmoded or obsolete.

"Under the circumstances, CAPA, as petitioner for rehearing does not believe that further hearings in these consolidated proceedings would have any practical effect. We, therefore, would have no objection to the Commission's entry of an order discontinuing the same in the event it desires to clear its docket."

California Dump Truck Owners Association (CDTOA), petitioner in Petitions Nos. 48, 65, 80 and 90, addressed a letter to the Commission, dated January 3, 1968 (received herein as Exhibit A-95), which states the following:

"Petition 65 has been superseded by Petition 112. The O.S.H. and petitions, with subsequent pleadings and legal actions, have resulted in Commission decisions following lengthy hearings and evidence. The most recent decision by which asphaltic concrete rates in major portions of Southern Territory were revised included a finding that further hearing should be held to receive evidence on the levels and types of rates which should be applicable to the transportation of asphaltic concrete in dump truck equipment larger than three axle trucks.

"Since California Dump Truck Owners Association, petitioner in these petitions, believes this to be the residual serious problem in the subject transportation, and on the premise that the staff of the Commission will diligently develop and present further evidence as directed by the aforementioned finding, we feel additional hearings in the above cited petitions and O.S.H. would not be useful and recommend they be discontinued."

California Trucking Association (CTA) addressed a letter to the Commission dated January 17, 1968 (received herein as Exhibit A-96). Said letter states that the only pending issue in which CTA is vitally concerned is the cost-rate relationship for asphaltic concrete rates. CTA requested, and the Commission staff was directed by the examiner in course of the proceeding on rehearing of Decision No. 68543, to furnish an exhibit showing the calculations used to arrive at the specific expansion factor adopted by the Commission. (Tr., pages 5159 and 5160.) Said exhibit was directed to be furnished at the next scheduled hearing in the instant proceedings. CTA requests, if the instant proceedings are discontinued, that said staff exhibit be presented in a current proceeding involving the revision or adjustment of rates in MRT 17. If this request is granted, CTA has no objection to the discontinuance of the instant proceedings.

In the circumstance, the Commission concludes that Order Setting Hearing, dated March 24, 1959, should be discontinued

C. 5437 (OSH 3/24/59), et al. ds \* \*

and that Petitions Nos. 48, 65, 80 and 90, to the extent not granted by prior orders of the Commission, should be dismissed.

The Commission affirms Findings 4 and 7 of Decision No. 71874 concerning the development and presentation of additional evidence by the Commission staff with respect to costs and zone rates for transportation of asphaltic concrete in 4- and 5-axle dump truck equipment. When staff studies are completed with respect to revised costs and proposed rates for asphaltic concrete in 4- and 5-axle equipment, an appropriate proceeding will be initiated.

The Commission also affirms the directive of the examiner to the staff concerning the preparation of an exhibit setting forth the calculations underlying the development of the cost-expansion factor of 92.38 percent adopted in Finding 7c of Decision No. 68543 which was based on Exceptions to Examiner's Proposed Report filed by the staff. Said exhibit shall be furnished to the parties to the instant proceedings on or before May 15, 1968, and shall be presented in evidence in the next scheduled hearing in Case No. 5437 following that date involving a general adjustment of the minimum rates set forth in MRT 17.

O R D E R

IT IS ORDERED that Order Setting Hearing, dated March 24, 1959, in Case No. 5437, is discontinued, and, to the extent not

C. 5437 (OSH 3/24/59), et al. ds

granted by prior orders of the Commission, Petitions Nos. 48, 65, 80 and 90 in Case No. 5437 are dismissed.

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

Dated at San Francisco, California, this 2<sup>nd</sup> day of APRIL 1968.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners