

**ORIGINAL**

Decision No. 74773

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion to determine procedure and rules for administration of Public Utilities Code Sections 3575 and 1074, including amount, form and content of bond required thereby.

Case No. 5670  
(Filed January 19, 1968)

ORDER DENYING PETITION FOR MODIFICATION

Decision No. 72365, dated May 2, 1967, established General Order No. 102-C to be effective on September 1 of that year. California Trucking Association subsequently filed a petition to modify General Order No. 102-C so as to exempt from the order renters of vehicles without drivers for periods of less than 30 days.

The sub-haul and lease bond requirement set up by General Order No. 102-C is imposed under Sections 1074 and 3575 of the Public Utilities Code. In both sections the mandatory word "shall" is used - "...shall file with the Commission a bond..."

It is the Commission's opinion that under a statute so worded we do not have power to grant the relief requested.

Accordingly,

IT IS ORDERED that:

1. The Petition for Modification filed herein by California Trucking Association on January 19, 1968 is denied.

2. This Commission investigation, Case No. 5670, is discontinued.

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

Dated at Los Angeles, California, this 8<sup>th</sup> day of OCTOBER, 1968.

William J. Sproule Jr.  
President  
John E. Mitchell  
William L. Bennett  
August  
Fred P. Monissey  
Commissioners