

ORIGINAL

Decision No. 76650

## 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 Tariffs Nos. 7 and 17).

) Case No. 5437  
 ) Petition No. 173  
 ) (Filed January 13, 1969)  
 ) Petition No. 174  
 ) (Filed January 13, 1969;  
 ) Amended January 31, 1969)  
 ) Petition No. 175  
 ) (Filed January 15, 1969)  
 ) Petition No. 179  
 ) (Filed January 31, 1969)  
 ) Petition No. 189  
 ) (Filed September 22, 1969)

FINAL ORDER

Decision No. 75588, issued April 22, 1969, in Petitions Nos. 173, 174, 175 and 179 and Decision No. 76441, issued November 18, 1969, in Petitions Nos. 175 and 189 found that the hourly rates for dump truck transportation set forth in Minimum Rate Tariffs Nos. 7 and 17 should be increased on an interim basis pending receipt of further evidence.

By letter dated November 24, 1969, California Dump Truck Owners Association (CDTOA), petitioner in Petitions Nos. 173 and 175, advised the Commission that Decisions Nos. 75588 and 76441 satisfy such petitions, and that no further hearings in said petitions are necessary. CDTOA requests that said petitions be discontinued.

By letter to the Commission dated December 12, 1969, California Trucking Association, petitioner in Petitions Nos. 174, 179 and 189, advised as follows:

"It is the petitioner's belief that no purpose can be served by the presentation of additional evidence in such proceedings that cannot as well be served in a subsequent filing to offset carrier wage and allied cost increases. The record in the above proceeding is now stale and remote in point of time. Accordingly, we request that the above petitions be discontinued without prejudice to the issues not therein resolved and that the Commission staff prepare the evidence contemplated in the above referenced decisions for introduction in the next proceeding involving cost offset adjustment of the hourly rates of Minimum Rate Tariffs Nos. 7 and 17. Such disposition will preserve the rights of all parties without prejudice."

In the circumstances, the Commission concludes that no further hearings are required in Petitions Nos. 173, 174, 175, 179 and 189, and that said petitions should be dismissed to the extent they have not been granted.

Therefore, good cause appearing,

IT IS ORDERED that Petitions for Modification Nos. 173, 174, 175, 179 and 189 in Case No. 5437, except to the extent heretofore granted by Decisions Nos. 75588 and 76441, are dismissed.

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

Dated at San Francisco, California, this 6th day of JANUARY, 1970.

William J. Lyons  
President  
Augustine  
W. J. Lyons  
Thomas L. Stinson  
Commissioners