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ORIGINAL

Decision No. 77927

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of ROCKO TRANSPORTATION, INC., a  
corporation, for authority to  
depart from the rates, rules and  
regulations of Minimum Rate  
Tariff No. 2 under the provisions  
of the Highway Carriers' Act.

Application No. 51872  
(Filed May 4, 1970;  
Amended June 10, 1970  
and June 22, 1970)

ORDER OF DISMISSAL

Rocko Transportation, Inc., a corporation, holds radial highway common carrier and highway contract carrier permits. By this application, as amended, it seeks authority to charge less-than-minimum rates for any and all transportation of large quarried rocks performed by it with flat bed equipment, subject to a minimum weight of 22 tons per load, for a one-year period. Decision No. 77399, dated June 23, 1970, granted interim relief to December 23, 1970, limited to transportation for Silberberger Constructors, Inc., from Otay Quarry in San Diego County to a jobsite at the San Diego River Floodway in San Diego County. Said decision stated that public hearing would be scheduled for the receipt of evidence regarding the general authority requested in the application and the limited interim authority. The matter is now set for public hearing on November 18 and 19, 1970, in San Diego.

By letter filed October 26, 1970, applicant stated that the Federal Government has canceled a major project which was one of the main reasons for which the general relief was sought; that there has been a general slowdown in the type of work involved herein; that for this reason, it does not require any relief in addition to that granted in the interim decision at this time;

A. 51872 hjh

and that should conditions improve in the future, it will file a new application for similar relief. It requests that the aforementioned public hearing be canceled.

The Commission finds that applicant's request should be granted and concludes that other than the limited relief authorized by Decision No. 77399, the application should be dismissed.

IT IS ORDERED that:

1. Except to the extent limited authority has been granted by Decision No. 77399, Application No. 51872 is hereby dismissed.
2. Public hearing in this matter now scheduled for November 18 and 19, 1970, being no longer necessary is hereby canceled.

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

Dated at San Francisco, California, this 10<sup>th</sup>  
day of NOVEMBER, 1970.

Chairman

*Quaranta*  
*William J. Vukasin, Jr.*  
*Thomas J. ...*  
*Vernon L. Sturgeon*  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.