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Decision No. 78472

ORIGINAL

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 property  
within and between all points and  
places in Orange County and portions  
of Los Angeles and San Bernardino  
Counties.

AND RELATED MATTERS.

Case No. 6322

Cases Nos. 5432, 5433, 5435,  
5437, 5603, 7024,  
and 7858(Order Setting Hearing in  
Decision No. 74991, dated  
November 26, 1968)

Case No. 7783

ORDER DENYING RECONSIDERATION,  
MODIFICATION, OR REHEARING

Petition has been filed by California Trucking Association (CTA) for reconsideration, modification or rehearing of Decision No. 78264. Said decision found it reasonable to revise certain minimum rates, rules, and regulations within those portions of Los Angeles and Orange counties embraced by the 58-zone area adopted by the Commission for that purpose in Decision No. 61419. Said petition, being timely filed by CTA, suspended the order of Decision No. 78264. Following this, the Commission, on March 2, 1971, in Decision Nos. 78390, 78391, 78392, 78393, 78394, 78395, 78396 and 78397 ordered suspension of the tariff pages authorized by Decision Nos. 78265, 78266, 78267, 78268, 78269, 78270, and 78271. The latter decisions were companion orders to Decision No. 78264.

One significant effect of Decision No. 78264 is the reduction of certain minimum rates in the 58-zone area. These reductions apply to those shipments between 400 and 3500 pounds that were previously rated on the MRT-2 general statewide rates. From the extensive cost data in the record, it is apparent that the statewide MRT-2 rates are unreasonably high as applied to these shipments. This decision reaffirms the reasonableness of the rates as established in Decision No. 78264.

It is to be noted that any rate reductions occasioned by Decision No. 78264 are permissive in nature. The old and higher rate can still be legally charged. Furthermore, there was no evidence in the record that competitive considerations would require carriers to charge the new and lower minimum rate.

The Commission has considered each and every allegation raised by petitioner and is of the opinion that no good cause for reconsideration, modification, or rehearing has been made to appear.

THEREFORE, IT IS ORDERED that petitioner's request for reconsideration, modification, or rehearing of Decision No. 78264 is hereby denied.

IT IS FURTHER ORDERED that:

1. The ordering paragraphs in Decision Nos. 78264, 78265, 78266, 78267, 78268, 78269, 78270, 78271, 78326, and 78327, which refer to March 13, 1971, are hereby amended by substituting April 24, 1971 for March 13, 1971, as shown therein.

2. Minimum Rate Tariffs 2, 3-A, 5, 7, 11-A, 15 and 17 and Exception Ratings Tariff 1 (Appendices D, A, A, A, A, B, A and A of Decision Nos. 31606, 55587, 32504, 32566, 50114, 65072, 69469 and 66195 as amended, respectively) are hereby further amended by incorporating therein Vacating Supplement to said tariffs, which

Vacating Supplement is attached hereto and by this reference made a part hereof.

3. In all other respects Decision Nos. 31606, 32504, 32566, 50114, 55587, 65072, 66195, and 69469 as amended shall remain in full force and effect.

This order shall become effective the date hereof.

Dated at San Francisco, California, this 23rd day of MARCH, 1971.

Chairman

*[Signature]*  
*James L. Sturgeon*

*[Signature]*  
Commissioners

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

*I dissent*

*J. Williams Jr. - Chairman*

VACATING SUPPLEMENT

SUPPLEMENT 77  
(CANCELS SUPPLEMENT 76)  
(SUPPLEMENTS 71, 73, 75, INTERIM TARIFF SUPPLEMENT AND ORDER  
EXTENDING EXPIRATION DATES, EFFECTIVE DECEMBER 28,  
1970, AND 77 CONTAIN ALL CHANGES)  
TO  
MINIMUM RATE TARIFF 2

SUPPLEMENT 4  
(CANCELS SUPPLEMENT 3)  
(SUPPLEMENT 4 CONTAINS ALL CHANGES)  
TO  
MINIMUM RATE TARIFF 3-A

SUPPLEMENT 9  
TO  
MINIMUM RATE TARIFF 5  
(CANCELS MINIMUM RATE TARIFF 5)

SUPPLEMENT 32  
(CANCELS SUPPLEMENT 31)  
(SUPPLEMENTS 27, 29, 30 and 32 CONTAIN ALL CHANGES)  
TO  
MINIMUM RATE TARIFF 7

SUPPLEMENT 7  
(CANCELS SUPPLEMENT 6)  
(SUPPLEMENT 7 CONTAINS ALL CHANGES)  
TO  
MINIMUM RATE TARIFF 11-A

SUPPLEMENT 2  
(CANCELS SUPPLEMENT 1)  
(SUPPLEMENT 2 CONTAINS ALL CHANGES)  
TO  
MINIMUM RATE TARIFF 15

SUPPLEMENT 11  
(CANCELS SUPPLEMENT 10)  
(SUPPLEMENTS 8, 9 and 11 CONTAIN ALL CHANGES)  
TO  
MINIMUM RATE TARIFF 17

SUPPLEMENT 8  
(CANCELS SUPPLEMENTS 6 AND 7)  
(INTERIM TARIFF SUPPLEMENT AND ORDER EXTENDING EXPIRATION  
DATES, EFFECTIVE DECEMBER 28, 1970, AND  
SUPPLEMENT 8 CONTAIN ALL CHANGES)  
TO  
EXCEPTION RATINGS TARIFF 1

VACATING NOTICE  
AND  
VACATING AND CANCELLATION NOTICE  
(SEE PAGE 2 OF THIS SUPPLEMENT)

Change, Decision No. 78472

EFFECTIVE APRIL 24, 1971

Issued by the  
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
State Building, Civic Center  
San Francisco, California 94102

VACATING SUPPLEMENT TO  
TARIFFS LISTED BELOWVACATING NOTICE

The suspension notices contained in supplements to the Minimum Rate Tariffs listed below are vacated and the involved tariff pages of each particular tariff also listed below shall become effective April 24, 1971:

<u>Supple- ment</u>	<u>Minimum Rate Tariff</u>	<u>Tariff Pages</u>	
76	2	Forty-second Revised Page 11 Twenty-fourth Revised Page 12 Fourteenth Revised Page 12-A Original Page 12-B Twenty-fifth Revised Page 13 First Revised Page 13-B Ninth Revised Page 18-B Tenth Revised Page 18-B Twenty-third Revised Page 19-C Thirty-fourth Revised Page 20 Second Revised Page 21-AA Eighteenth Revised Page 21-B Sixteenth Revised Page 21-C Original Page 21-CC Original Page 21-CCC Seventh Revised Page 27-B Eighth Revised Page 27-b Original Page 27-C First Revised Page 27-C	Original Page 27-D First Revised Page 27-D Third Revised Page 28-A First Revised Page 29-B Second Revised Page 40-A Thirty-third Revised Page 41 Twenty-fifth Revised Page 44-B Original Page 44-C First Revised Page 44-C Original Page 44-D First Revised Page 44-D Original Page 66-G Original Page 66-H Original Page 66-I Original Page 66-J Original Page 66-K First Revised Page 66-K Original Page 66-L Original Page 66-M
3	3-A	Seventh Revised Page 5	
31	7	Twenty-second Revised Page 4	
6	11-A	Eighth Revised Page 5	Ninth Revised Page 5
1	15	Third Revised Title Page Seventh Revised Page 2 Fourth Revised Page 5 Original Page 5-A Third Revised Page 6 Second Revised Page 7 First Revised Page 8 First Revised Page 9 Second Revised Page 10 Original Page 24-A First Revised Page 34	Original Page 24-B Original Page 24-C Original Page 24-D Original Page 24-E Original Page 24-F Original Page 24-G Original Page 24-H Original Page 24-I Original Page 24-J Original Page 24-K
10	17	Third Revised Page 1-10	
7	EXCEPTION RATINGS TARIFF 1	Ninth Revised Page 2 Sixth Revised Page 4 Fourth Revised Page 27-T	Seventh Revised Page 27-U Fourth Revised Page 27-V Fourth Revised Page 27-W

VACATING AND CANCELLATION NOTICE

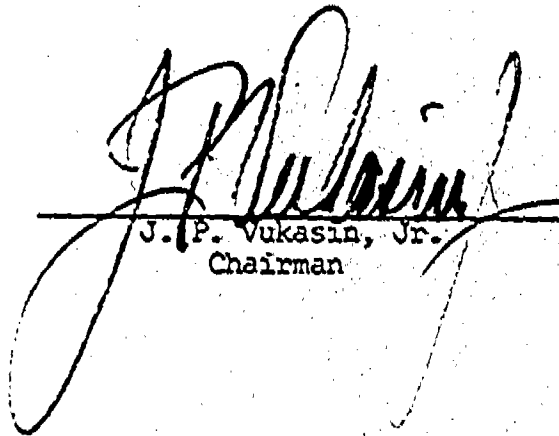
The suspension notice contained in Supplement 8 to Minimum Rate Tariff 5 is vacated and Minimum Rate Tariff 5 is canceled effective April 24, 1971.

THE END

J. P. VUKASIN, JR., CHAIRMAN, CONCURRING AND DISSENTING OPINION

I concur in part and dissent in part.

Rehearing should be granted on the rates established for small shipments under 5000 pounds in the 58-zone area in Southern California. The petition by the California Trucking Association and the supporting letters from concerned carriers make it incumbent upon the Commission to review its action reducing small shipment rates.



J. P. Vukasin, Jr.  
Chairman

San Francisco, California

March 23, 1971