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ORIGINAL

Decision No. 78676

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion in the matter of whether the Rules of Practice and Procedure before the Public Utilities Commission should be modified, amended or otherwise revised.

Case No. 8849  
(Filed September 24, 1968)

(Appearances are listed in Appendix A)

ORDER DISCONTINUING INVESTIGATION

On September 24, 1968, this Commission issued an order instituting investigation on its own motion in the matter of whether or not its own Rules of Practice and Procedure should be modified, amended or otherwise revised (Case No. 8849) in order to improve the quality of its proceedings and cure defects which had developed. Ten days of hearings were held, and the matter was submitted on May 1, 1969. On December 30, 1969, the Commission issued Decision No. 76634 setting aside submission for the purpose of giving the parties to the proceeding an opportunity to express their views and opinions and offer evidence regarding the draft of proposed rules attached as Appendix B to said Decision No. 76634, revisions or modifications thereof, and additional rules germane thereto.

Further hearings were held in San Francisco on January 20, 21 and 22, 1970.

On December 14, 1970, a proposed report was filed, which provided for all parties to comment thereon through the medium of exceptions and replies to exceptions.

The parties were given until January 13, 1971, to file said exceptions and until January 28, 1971, to file replies to exceptions. On January 6, 1971, the time for filing exceptions was extended to February 10, 1971, and the time for filing replies was extended to March 1, 1971.

Many persons who were not parties to the proceeding but who nevertheless wrote letters to the Commission regarding the proposed report were advised that their objections to the proposed rules could more effectively be presented to the Commission as exceptions to the proposed report, and the procedure for obtaining permission to file such exceptions was explained to them in detail. An order dated February 19, 1971, entered the additional appearances of all such persons who had requested permission to become parties to the proceeding subsequent to January 22, 1970, and authorized the filing of exceptions submitted to the Commission by such additional appearances and by any other appearance on or before February 16, 1971. The matter was taken under submission upon the filing of replies to the exceptions on March 1, 1971.

Exceptions to one or more parts of the proposed report were filed by numerous parties, including representatives of:

- Chambers of Commerce
- Consumer and Farm Organizations
- Environmental Organization
- Labor Organizations
- Shippers and Shipper Organizations
- Attorneys and Attorneys' Organizations
- Railroads
- Trucking Associations and Representatives
- Utilities
- Three Divisions of the Staff of the Commission

Based upon a consideration of the many different and divergent points of view expressed by the parties in their exceptions and replies to the proposed report, the Commission finds:


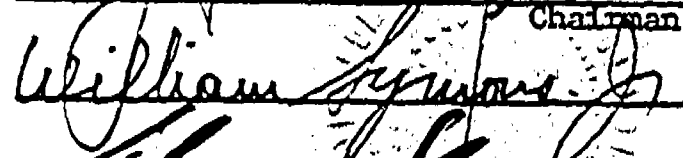


No useful purpose would be accomplished by making substantial changes, revisions, or additions to the Rules of Practice and Procedure at the present time.

Based upon the foregoing finding, the Commission concludes that the investigation herein should be discontinued.

IT IS THEREFORE ORDERED that the investigation herein is discontinued.

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

Dated at San Francisco, California, this 11<sup>th</sup> day of MAY, 1971.

  
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Chairman  
  
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Commissioners

APPENDIX A  
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INTERESTED PARTIES: Francis N. Marshall, John C. Morrissey and A. Crawford Greene, Jr., for Special Sub-Committee of The State Bar of California on Rules of Practice and Procedure of the Public Utilities Commission; Lester W. Spillane, for Allied Telephone Companies Association and in his own behalf; William Mitze, for Riverside Division, American Cement Corporation; Leland E. Butler, Robert B. Curtis and Frederick G. Pfrommer, for The Atchison, Topeka and Santa Fe Railway Company; C. H. Purkiss, for Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; E. O. Blackman, for California Dump Truck Owners' Association; W. L. Knecht and Ralph Hubbard, for California Farm Bureau Federation; Neal C. Hasbrook, for California Independent Telephone Association; Robert E. Burt, John T. Reed, and Brobeck, Phleger & Harrison, by Gordon E. Davis, for California Manufacturers Association; A. D. Poe, W. T. Meinhold and H. F. Kollmyer, for California Trucking Association; Jack L. Dawson, for California Warehousemen's Association, Pacific States Cold Storage Warehouse Association and California Warehouse Tariff Bureau; C. G. Ferguson, for California Water Service Company; William D. Mayer and William D. Wagstaffe, for Cannery League of California; Louis Possner, Chief Engineer-Secretary, Bureau of Franchises and Public Utilities, for City of Long Beach; Robert W. Russell and Roger Arneberg, City Attorney, by Charles E. Mattson and Charles W. Sullivan, Deputy City Attorney, for the City of Los Angeles; Curtis M. Fitzpatrick and John W. Witt, Chief Deputy City Attorney, for Edward T. Butler, City Attorney, for the City of San Diego; Thomas M. O'Connor, City Attorney, William C. Taylor, Deputy City Attorney and Robert E. Laughead, Rate Expert, for City and County of San Francisco; William F. McCann, for Container Corporation of America; Ronald M. Zaller, for Continental Can Company, Inc.; Ronald Schneider, Deputy County Counsel, and Bill T. Farris, for County of Los Angeles; John A. Cunningham, Utilities Consultant, in his own behalf; Russell Bevans, for Draymen's Association of San Francisco, Inc.; E. K. Chapman, for Foremost Foods; James F. Sorrenson, for Friant Water Users Association; A. M. Hart and Donald J. Duckett, by Donald J. Duckett, for General Telephone Company of California; Gibson, Dunn & Crutcher, by Raymond L. Curran, in their own behalf; Graham & James, by Boris H. Lakusta and David L. Marchant, in their own behalf; Ray Greene of Handler, Baker & Greene, in his own behalf; W. L. McCracken, for Greyhound Lines, Inc. (Western Greyhound Lines Division); George G. Grover, in his own behalf; C. Fred Imhof, for Industrial Asphalt; William D. Wagstaffe, for Industrial Traffic Association of San Francisco; Ronald M. Zaller, for Industrial Traffic Association of San Francisco; Calhoun E. Jacobson, in his own behalf; C. E. Jacobson, General Manager, Associated Traffic Services, in his own behalf; K. M. Robinson and S. A. Moore, for Kaiser Cement & Gypsum Corporation;

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G. C. Willis, for Kraft Foods; Kenneth C. Delaney and D. H. Marken, for Los Angeles Area Chamber of Commerce; James Quintrall, for Los Angeles Warehousemen's Association; Eugene E. Rhodes, for Monolith Portland Cement Company; E. P. Kinsinger, for Order of Railroad Conductors & Brakemen; Lionel E. Goff, Jr. and Robert Salter, for Pacific Lighting Service & Supply, Southern California Gas Company, and Southern Counties Gas Company; Robert E. Michalski and Richard Siegfried, for The Pacific Telephone and Telegraph Company; Norman I. Molaug, for J. C. Penney Company, Inc.; James E. Ingwerson, for REA Express; Karl K. Roos, in his own behalf and for Knapp, Gill, Hibbert & Stevens; Martin J. Rosen, Silver and Rosen, in his own behalf; Claude N. Rosenberg of Bacigalupi, Elkus, Salinger and Rosenberg, in his own behalf; Donald M. Haight, for Sacramento Municipal Utility District; Chickering & Gregory, by Sherman Chickering, C. Hayden Ames and Donald J. Richardson, Jr. and Stanley Jewell, for San Diego Gas & Electric Company; James M. Cooper, for San Francisco Chamber of Commerce; David B. Caria, for Shell Oil Company; Rollin E. Woodbury, Harry W. Sturges, Jr., and John R. Bury, for Southern California Edison Company; Harold S. Lentz, for Southern Pacific Company; Charles W. Burkett, for Southern Pacific Transportation Company; G. B. Shannon and Overton, Lyman & Prince, by Donald H. Ford, for Southwestern Portland Cement Company; Charles H. McCrea, for Southwest Gas Corporation; D. R. Ranche, for Standard Brands; Thomas C. Lynch, Attorney General, by Donald B. Day, Deputy Attorney General, for the State of California; Melvin R. Dykman and Joseph C. Easley, for Department of Public Works, State of California; Arthur D. Guy, Jr., for Suburban Water Systems and Southwest Water Company; D. H. Marken, for Traffic Managers Conference of California; Marshall W. Vorkink, for Union Pacific Railroad Company; J. E. Howe, for United Transportation Union, AFL-CIO; Edward L. Blincoe, for Utility Users League of California and in his own behalf; Gordon Pearce, for Western Air Lines, Inc.; and J. A. Moore, for Western Union Telegraph Company.

ADDITIONAL INTERESTED PARTIES WHOSE APPEARANCES WERE ENTERED SUBSEQUENT TO THE FILING OF THE PROPOSED REPORT: Mrs. Sylvia M. Siegel, for Association of California Consumers; Howard, Prim, Smith, Rich and Downs, by Stephen M. Tennis; Barbara A. Phillips, for The Barristers Club of California; Mrs. Borghild Haugen, for California Farmer-Consumer Information Committee; Sidney H. Bierly, for California Fertilizer Association; Michael R. Peevey, for California Labor Federation, AFL-CIO; Joseph E. Frias, for Essick Manufacturing Association; Richard E. Saladana, in his own behalf; Angell, Adams, & Holmes, by John H. Kouba; Michael McCloskey, for Sierra Club; George Slaff, on his own behalf; F. LeMarr Forshee, for The State Bar of California; and John T. Underwood, in his own behalf.

COMMISSION STAFF: Vincent V. MacKenzie, Counsel; Sidney J. Webb, for the Finance and Accounts Division; John R. Laurie, for the Transportation Division, and Greville L. Way, for the Utilities Division.