

Decision No. 79831

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the operations,)
 rates, and practices of WM. H.)
 HUTCHINSON & SONS, INC., a corpo-)
 ration, also doing business as)
 California Ship Service Company)
 and California Salvage Company;)
 Wm. H. Hutchinson & Sons Service)
 Co., Inc., a corporation; and)
 Thums Long Beach Company, a cor-)
 poration.)

Case No. 9205

ORDER SETTING ASIDE SUBMISSION

IT IS HEREBY ORDERED that:

1. Submission of the above-entitled case is set aside for the limited purpose of permitting additional briefing of whatever material issues of law may arise from the application of the below-quoted paragraph from Decision No. 75522, in Case No. 6008 herein.

"Unless a specific need has been shown the Commission has not undertaken to prescribe regulations for transportation involving clean-up work or debris removal. The exceptions include minimum rates in MRT-7 for the hauling in dump trucks of debris resulting from the demolition of buildings and structures and resulting from maintenance of streets and highways. Other rate regulation of clean-up work has been limited to clean-up performed at a job site as an incidental service to the carrier's transporting asphaltic concrete to said job site under the zone rates in MRT-17 and to clean-up work at oil and gas well sites under the rates in MRT-13. The minimum rates were established in such instances to meet individual special situations; however, the circumstances resulting in those special situations are similar; i. e., the carriers perform clean-up work for the shippers that regularly

engage them to perform what might be called commercial transportation. Unless minimum rates were established for the clean-up work the carriers would be able to subvert the minimum rates established for the commercial transportation by providing clean-up work at free or reduced charges. The establishment of minimum rates for clean-up work was necessary to the application and enforcement of the minimum rates prescribed for other services the carriers perform."

2. Concurrent briefs from all parties will be due not later than thirty days after the effective date of this order, at which time the proceeding will be resubmitted.

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

Dated at San Francisco, California, this 21st
day of MARCH, 1972.

[Signature]
Chairman
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Commissioners