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Decision No. 81472

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 and highway 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-A).

Case No. 5437, OSH 233
(Amended Order filed
December 12, 1972)

(Appearances are shown in Appendix A)

ORDER DISCONTINUING PROCEEDING

Amended Order Setting Hearing 233 in Case No. 5437 dated December 12, 1972 ordered that a hearing be held for the purpose of determining whether there should be a revision of the minimum rates governing the transportation of silica sand in bulk in dump truck equipment between points in southern California, and that such hearing should be held concurrently with hearings in Applications Nos. 52895, 52961, 52962, 53256, 53265, 53267, 53449, 53616, and 53632.

The aforementioned applications were filed by highway permit carriers and seek authority to depart from the established minimum rates for the transportation of silica sand from Mission Viejo for the account of various glass manufacturers and other industrial users of silica sand. Interim authority to depart from the minimum rates was granted to several applicants, pending determination of the issues in OSH 233.

Public hearing in OSH 233 in Case No. 5437 and in the twelve applications was held in Los Angeles on March 13, 1973. The matter was taken off calendar for 60 days when it was made known that the plant of Owens-Illinois, Inc. at Mission Viejo would not be in operation for that period of time.

C. 5437, OSH 233 ek

By letter dated May 1, 1973, Mr. D. M. Enos, Director of Purchasing and Traffic, Pacific Region, of Owens-Illinois, Inc. advised that the Mission Viejo plant is experiencing production problems which have necessitated the cessation of operations of the plant for an estimated one-year period. Mr. Enos' letter is made part of the record in OSH 233 as Exhibit No. 233-3.

By letter dated May 4, 1973, the Secretary of the Commission advised parties to the consolidated proceeding that in the absence of objection the Commission intends to terminate the proceeding in OSH 233. The Commission's Transportation Division staff has advised that it has no objection to discontinuance of the proceeding. No other party has requested that the proceeding be continued.

In the circumstances, therefore, the proceeding in OSH 233 should be discontinued.

IT IS ORDERED that the proceeding initiated by Order Setting Hearing 233 in Case No. 5437 is discontinued.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th
day of JUNE, 1973.

William L. Stegman
President
William J. ...
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Commissioners

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

APPENDIX A

LIST OF APPEARANCES

Respondents: Murchison & Davis, by Donald Murchison, Attorney at Law, for J.I.M. Corporation; Russell & Schureman, by Carl H. Fritze, Attorney at Law, for Jowaltken, Inc., and Fil Ventura, Jr.; John T. Underwood and George G. Cross, for Bulk Transportation; Karl K. Roos, Attorney at Law, for Apex Bulk Commodities and Pyramid Commodities; Frank Loughran, Attorney at Law, for Ditto Freight Lines; H. Randall Stoke, and Kenneth P. Harrison, Attorneys at Law, for Harrison-Nichols Company, Ltd.; and Handler, Baker & Greene, by Daniel W. Baker, Attorney at Law; and Lloyd Amaral, for Amaral Trucking.

Interested Parties: G. Ralph Grago, for Associated Independent Owner-Operators, Inc; Horace A. Miranda and Jim Thompson, for Teamsters Union Local 420; William J. Reinka, Jr., for Ottawa Silica Company and Crystal Silica Company; Robert J. Lilley, for Thatcher Glass Manufacturing Co.; John J. Wynne and G. C. Turner, for Owens-Illinois, Inc.; E. O. Blackman, for California Dump Truck Owners Association; Richard W. Smith and Arlo D. Poe, Attorneys at Law, and Herbert W. Hughes, for California Trucking Association; William J. Conn, for Ball Corporation; and Louis J. Sander, for Anchor Hocking Corporation.

Commission staff: Elmer J. Sjostrom, Attorney at Law, and John Specht.