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ORIGINAL

Decision No. 82573

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HILLERY D. CARGILE dba
DEAN TRANSFER SERVICE for authority
to deviate from Minimum Rate Tariff
No. 7, Slag, Cement Clinkers.

Application No. 54210
(Filed July 30, 1973)

Hillery D. Cargile, for himself, applicant.
R. C. Broberg, Arlo D. Poe, Attorney at Law,
and Herbert W. Hughes, for California
Trucking Association, interested party.

OPINION AND ORDER

At the hearing on this matter in Redding on November 20, 1973 before Examiner Pilling applicant presented no cost evidence to substantiate his request for authorization to deviate from the applicable minimum rates in the transportation of slag, cement clinkers, nor was he able to specifically respond to questions relating to his costs. Before the close of the hearing the Examiner authorized applicant to submit his cost evidence as a late-filed exhibit by December 20, 1973 and reserved the right of any interested party to request a further hearing for the purpose of cross-examining applicant relative to such exhibit. No such exhibit was ever filed. By letter the representative of California Trucking Association, interested party, requests that the application be denied for lack of evidence.

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The Commission finds and concludes that the relief requested should be denied for lack of evidence.

IT IS ORDERED that the relief requested is denied and that the interim authority granted by Decision No. 81998 is hereby canceled.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th
day of MARCH, 1974.

Vernon L. Stinson
President
William J. ...
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...
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.