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ORIGINAL

Decision No. 82828

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THOMAS J. MATTESICH,
doing business as J. E. MATTESICH
& SONS, for authority under Section
3666 of the Public Utilities Code
of the State of California to
deviate from the minimum rates for
the transportation of plastic
bathtubs and plastic shower bath
stalls for American Standard,
Plumbing & Heating Division.

Application No. 53759
(Filed December 18, 1972;
amended May 11, 1973)

E. H. Griffiths, for applicant.
Gregory J. Decker, for American Standard
Inc., and Arthur D. Maruna, Ed Bill,
H. Hughes, and A. D. Poe, Attorney at
Law, for California Trucking Association,
interested parties.
Russell D. Corning, for the Commission staff.

ORDER OF DISMISSAL

This is an application requesting a deviation from the minimum rates for the transportation of plastic bathtubs and plastic shower stalls. By interim order in Decision No. 81616 dated July 24, 1973, the relief sought was granted on an interim basis until further order of the Commission. Decision No. 81616 also ordered that a public hearing be scheduled for the receipt of evidence, which was held before Examiner O'Leary on September 12, 1973 at San Francisco. The matter was submitted on October 8, 1973 which was one week after the receipt of late-filed Exhibits 14, 15, and 16.

On February 22, 1974, applicant filed a petition to reopen the proceeding for the taking of further evidence. Subsequently, on April 1, 1974 applicant filed a petition to dismiss the application

because Item 158080-A, Supplement 20, to National Motor Freight Classification, issued August 7, 1973, effective October 19, 1973, now provides rates for truckload shipments minimum weight factor 10.2. The deviation rates as authorized by Decision No. 81616 are not required by reason of the fact that the provisions for truckload rates result in rates lower than the deviation rates authorized by Decision No. 81616 for the transportation of plastic bathtubs and shower bath stalls.

After consideration the Commission finds and concludes that Application No. 53759 should be dismissed.

IT IS ORDERED that:

1. Decision No. 81616 is rescinded.
2. The petition to reopen the proceeding is denied.
3. Application No. 53759 is dismissed.

The effective date of this order is the date hereof.

Dated at Los Angeles, California, this 7th
day of MAY, 1974.

William J. Quinn President

[Signature]
[Signature]
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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