

Decision No. 83852**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
into the rates, rules, regulations,
changes, allowances, and practices of
all common carriers, highway carriers,
and city carriers relating to the
transportation of sand, rock, gravel
and related items (commodities for
which rates are provided in Minimum
Rate Tariffs Nos. 7-A and 17-A.)

Case No. 5437

OSH 238

(Filed January 16, 1973)

Petition for Modification
No. 240

(Filed February 9, 1973)

ORDER DENYING REHEARING

On November 4, 1974, the Associated Independent Owner-Operators, Inc. (AIOO) filed a petition for rehearing of Decision No. 83672, issued October 29, 1974. AIOO alleges that the subject decision is illegal in giving notice that the Commission will consider the reasonableness of the "95% rule" in these consolidated proceedings and that the subject decision is not supported by appropriate findings of fact and conclusions of law.

The Commission, pursuant to Section 1708 of the Public Utilities Commission, may modify any prior order or decision upon notice to the parties and upon providing an opportunity to be heard. The Commission considers it appropriate at this time to review the justness and reasonableness of the "95% rule", since these proceedings are designed to review, and possibly modify, the existing arrangements for compensation between overlying carriers and underlying subhaulers. We have so notified the parties and will provide an opportunity for the parties to be heard.

AIOO also challenges Decision No. 83672 as not being supported by adequate findings of fact and conclusions of law. Our review of the decision convinces us that it is adequately

supported. CTA raised four grounds in its motion for dismissal and the Commission dealt with and disposed of each ground seriatim. Accordingly, AIOO's petition for rehearing should be denied.

IT IS ORDERED that rehearing and/or reconsideration and modification of Decision No. 83672 is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day of DECEMBER, 1974.

Vernon L. Sturgeon
President

William J. Lyons

[Signature]

[Signature]

Robert E. Merland
Commissioners