

Decision No. 83960

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ROBERT WILLIAM HARRIS
for authority under Section 3666
of the Public Utilities Code of the
State of California to deviate from
the minimum rates for the transpor-
tation of glass bottles, demijohns
or jars for OWENS-ILLINOIS, INC.,
between certain points.

Application No. 55315
(Filed November 14, 1974)

OPINION AND ORDER DENYING
REHEARING OR MODIFICATION

Yandell Truckaway, Inc. (Yandell) has sought rehearing or modification of Decision No. 83722, issued November 18, 1974, by which we granted Robert William Harris, the holder of a highway contract carrier permit, the authority to deviate from the minimum rates set forth in Minimum Rate Tariff 2 (MRT 2) for the transportation of certain glass commodities. Yandell argues that it was not given an opportunity to protest the application prior to our grant of authority, and it urges that we either modify the decision to delete certain delivery points or set the matter for hearing.

The Commission may, pursuant to Section 3666 of the Public Utilities Code, authorize a permitted carrier to charge less than the minimum reasonable rate if it finds that the proposed rate is reasonable. There is no requirement in that section for a hearing prior to the grant of such authority and the Commission has on some occasions granted interim authority pending hearing so as to allow the applicant to develop a cost record. (See Sierra Distributing and John T. Lane 66 Cal.P.U.C. 177 (1966).) The Commission has found this course of action to be reasonable in this proceeding. Accordingly, hearings will be scheduled expeditiously so as to provide an opportunity to more fully examine the applicant's proposal.

IT IS ORDERED that the petition for rehearing or modification of Decision No. 83722 is hereby denied.

IT IS FURTHER ORDERED that a public hearing shall be expeditiously scheduled in this proceeding for the full disposition thereof and pending such disposition the authorization granted Robert William Harris by Decision No. 83722 is continued.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 7th day of JANUARY, 1975.

Vernon L. Stinson
President
William J. Harris Jr.
[Signature]

Commissioners