

bp

Decision No. 84572

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the constructive mileage and)
related rules and provisions of all)
highway carriers, relating to the)
transportation of any and all)
commodities between all points)
in California (including, but not)
limited to, constructive mileages)
provided in the Distance Table).)
_____)

Case No. 7024
Order Setting Hearing 31
(Filed June 12, 1972)

ORDER DENYING REHEARING
AND FURTHER STAY OF DECISION NO. 84332

The Commission issued Decision No. 84332 on April 15, 1975. That decision adopted the mileages, maps, rules and other provisions specified in the Commission staff sponsored Exhibits 31-9, 31-10, 31-11 and 31-28 in Case No. 7024 (OSH 31) as Distance Table 8 (DT8). California Trucking Association (CTA) filed a petition for reconsideration or rehearing of Decision No. 84332 on April 25, 1975.

While the petition for rehearing of CTA cites numerous allegations of error, the central theme of the petition appears to be that CTA objects to the Commission's decision to limit DT8 to those revisions recommended by the Commission staff. The distance table was planned so that periodic revisions could be made when major changes have occurred in factors affecting constructive mileage. All possible changes in the distance table need not be made at each revision. The Commission did not abuse its discretion in limiting the revisions in DT8.

One allegation of error raised by the petitioner requires us to clarify a portion of Decision No. 84332. The petitioner argues that finding number 17 of the subject decision is in error because it prejudices the necessity for modification of minimum rate tariffs.

Finding number 17 states: "DT8 when applied in conjunction with minimum rate tariffs subject thereto, will result in just, reasonable, and nondiscriminatory minimum rates ...". Conclusion 2 of Decision No. 84332 states that:

"...further hearings should be held in Case No. 5432 (OSH 806) to determine the amendments required in tariffs governed by the distance table as a result of changes in DT8 and DT8 shall supersede DT7 as the governing distance table to the extent and in the manner determined in those proceedings." (emphasis added)

Decision No. 84332 has in no way prejudged nor limited the issues that might be raised in Case No. 5432 (OSH 806), nor will DT8 be applied to a particular tariff until that tariff has been reviewed in that case.

After considering each and every allegation set forth in the petition, we are of the opinion that good cause for reconsideration, rehearing and further stay has not been shown.

THEREFORE, IT IS ORDERED that reconsideration, rehearing and further stay of Decision No. 84332 is denied.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 17th day JUNE, 1975.

Vernon L. Sturgeon
President
William J. Lyons Jr.
[Signature]
[Signature]
[Signature]
Commissioners