

ORIGINAL

Decision No. 84955

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order instituting investigation on the Commission's own motion into rules and procedures for filing of freight tariffs and/or contracts of carriage by highway permit carriers as defined in the Highway Carriers' Act and in the Household Goods Carriers Act.

Case No. 9963  
(Filed September 3, 1975)

ORDER GRANTING REHEARING  
AND REVOKING ORDERING PARAGRAPH TWO

Numerous petitions having been filed seeking rehearing of the above Order Instituting Investigation and asking that Ordering Paragraph 2 of said order be revoked, and good cause appearing,

IT IS ORDERED that rehearing of the Order Instituting Investigation in Case No. 9963 is hereby granted, said rehearing to be held before such Commissioner or Examiner and at such time and place as may hereafter be designated.

IT IS FURTHER ORDERED that Ordering Paragraph 2 of the Order Instituting Investigation in Case No. 9963 is hereby revoked.

The effective date of this order is the date hereof.

The Secretary is directed to cause appropriate notice of rehearing to be mailed at least ten (10) days before rehearing.

Dated at San Francisco, California, this 30<sup>th</sup> day of  
SEPTEMBER, 1975.

*I concur in part and  
dissent in part  
William J. Jones Jr.*

*[Signature]*  
President

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners

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COMMISSIONER WILLIAM SYMONS, JR., CONCURRING IN PART AND  
DISSENTING IN PART

I concur that the Order of September 3, 1975, must be set down for hearing since there has been none to date. Further, the utterly unsupported Ordering Paragraph 2 must be cancelled. Other than this, I disagree with the Order.

Here, the majority retreats an inch from the "ram it through" approach to radically restructuring California's trucking industry. Faced with hundreds of petitions of protest and petitions to the Supreme Court, it revokes the unjustified order for rate roll-back on January 1, 1976.

Yet, two central problems, specific to the order, are not forthrightly treated.

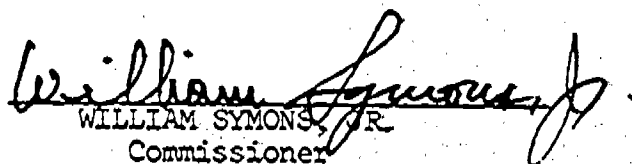
1. How can the Commission abandon the regulatory program mandated by the statutes of the State of California before the Legislature has seen fit to change the laws?
2. Why has the language of Ordering Paragraph 1 been left narrowly limited to an investigation to "establish rules and provisions" for implementation of the "new regulatory program"?

Surely we are duty bound to investigate more broadly -- we must take careful evidence and argument to learn whether the majority's drive for abandonment of the California minimum rate regulatory program is legal and reasonable or if it is not.

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Today's order vaguely grants rehearing of the entire Order Instituting Investigation (OII). Yet it fails to specify the reasons motivating the rehearing or the issues to be examined. Presumably, even evidence in support of another roll-back order could be taken in rehearing. Just maybe this "stick" is not being withdrawn but merely being raised out of reach. One certain effect of this vague, general rehearing is to sink petitioners' chance for review by the California Supreme Court. And incredibly enough, the majority intends to heedlessly proceed tomorrow under the same OII that it orders today for full rehearing. The majority is playing fast and loose with the trucking industry; and the people, business, and industry of California stand the most to suffer from it.

San Francisco, California  
September 30, 1975

  
WILLIAM SYMONS, JR.  
Commissioner