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Decision No. 85117

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
into the rates, rules, regulations,  
charges, 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 Tariff No. 7-A).

Case No. 5437  
Petition for Modification  
No. 287  
(Filed May 1, 1975)

Donald L. Muncy, for Canyon Trucking Company, Inc.,  
petitioner.

James R. Foote and Wade Austin, for Associated  
Independent Owner-Operators, Inc.; E. O. Blackman,  
for California Dump Truck Owners Association;  
H. W. Hughes and J. C. Kaspar, for California  
Trucking Association; and Harry C. Phelan, Jr.,  
for California Asphalt Pavement Association;  
interested parties.

Mark S. Wetzell and George L. Hunt, for the  
Commission staff.

### O P I N I O N

By this petition Canyon Trucking Company, Inc. (petitioner) sought to amend Item 200, Minimum Rate Tariff 7-A to provide that the "...minimum weight for shipments transported by a 3-axle tractor with a 2-axle semitrailer under 56 feet in length between the first and last axle shall be 23 tons or the legal weight allowed; whichever is less".

Public hearing was held before Examiner Tanner in Los Angeles on September 30, 1975. The Commission staff, in an opening statement, called attention to the enactment of Assembly Bill No. 1352<sup>1/</sup> which, according to the staff, appears to accomplish most, if not all, that would be accomplished by granting this petition. It was concluded by all parties that no useful purpose would be served by continuing the hearing. The petitioner agreed to withdraw the petition.

In the circumstances the Commission concludes that the petition be dismissed without prejudice.

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1/ Chapter 651, 1975 Statutes. Effective January 1, 1976.

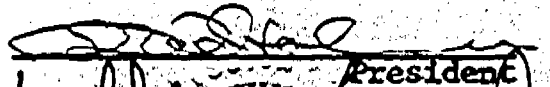
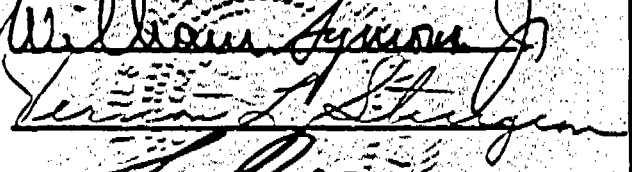

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O R D E R

IT IS ORDERED that Petition for Modification No. 287 is dismissed without prejudice.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 18th  
day of NOVEMBER, 1975.

  
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President  
  
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Vernon L. Sturgeon  
  
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Commissioners