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Decision No. 86221

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
JACK HOLLAND OIL COMPANY, a corpora- )  
tion, for authority to depart from )  
the minimum rates pursuant to Sec- )  
tion 3666 of the California Public )  
Utilities Code for Transportation )  
performed for KAISER CEMENT AND )  
GYPSUM CORPORATION. )

Application No. 56456  
(Filed May 4, 1976)

And Related Matter. )

Application No. 56457  
(Filed May 4, 1976)

ORDER GRANTING REHEARING  
OF DECISION NO. 85870

A petition for rehearing and suspension of Decision No. 85870 having been filed by California Trucking Association, the Commission having considered said petition and good cause appearing;

THEREFORE, IT IS ORDERED THAT:

Rehearing of Decision No. 85870 is hereby granted, said rehearing shall be heard before such Commissioner or Examiner and at such time and place as may hereafter be designated.

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

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd day of

AUGUST, 1976.

*I will file a concurring  
and dissenting opinion  
William Sprouls Jr.*

*[Signature]*  
President  
*William Sprouls Jr.*  
*Leonard Ross*  
*Vernon L. Stinger*

Commissioners

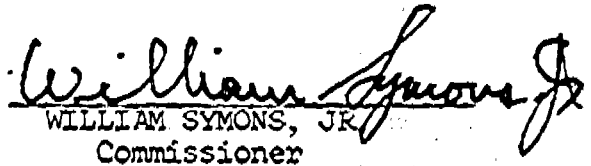
Commissioner Robert Zatinovich, being necessarily absent, did not participate in the disposition of this proceeding.

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A 56457 )

COMMISSIONER WILLIAM SYMONS. JR. CONCURRING AND DISSENTING,

I agree that a rehearing should be granted, however it is incumbent upon us to suspend Decision 85820 as well. Under Public Utilities Code Sections 1705 and 3666, a determination of reasonableness, based upon competent proof, is a legal necessity to the authorization for performance at a lesser rate than the minimum established rate. Decision 85820 is deficient in that no finding of reasonableness was made.

San Francisco, California  
August 3, 1976

  
WILLIAM SYMONS, JR.  
Commissioner