

ORIGINAL

Decision 88-02-020 February 10, 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
 for the purpose of considering)
 and determining minimum rates for)
 transportation of fresh or green)
 fruits and vegetables and related)
 items statewide as provided in)
 Minimum Rate Tariff 8-A, and the)
 revisions or reissues thereof.)

Case 5438, OSH 116
 (Filed April 12, 1977) ✓

And Related Matters.)

Case 5438, Pet. 129
 Case 5438, Pet. 130
 Case 5438, Pet. 131
 Case 5438, Pet. 132

OPINION

The Commission Transportation Division filed a written motion on December 9, 1987 to terminate OSH 116 and to dismiss Petitions 129, 130, 131, and 132 in Case 5438. The motion showed that copies of the motion were served on all parties of record in the subject proceedings. No objections to the motion have been received.

The subject proceedings dealt collectively with the determination of whether Minimum Rate Tariff (MRT) 8-A should be retained or should be cancelled in whole or in part. The matters were heard on a consolidated record and resulted in Decision (D.) 86-06-043 which cancelled MRT 8-A. That decision also ordered the Commission Transportation Division to monitor the rate levels of commodities covered by former MRT 8-A, to remain knowledgeable about produce hauling conditions and problems connected therewith, and to be able to recommend regulatory modifications if needed.

D.83-11-045 dated November 2, 1983 upheld the cancellation of MRT 8-A but granted limited rehearing to the extent

of holding the proceedings open to consider 1) operational and tariff distinctions for less than truckload versus truckload traffic and 2) the impact, if any, of deregulation of less than truckload traffic on small and medium growers, producers, and carriers.

In July, 1985 the Commission Transportation Division filed its monitoring report entitled "Report to the Commission Monitoring the Fresh Fruit and Vegetable For-Hire Motor Carrier Transportation Industry after Deregulation". The report found that there was no indication that deregulation caused any significant service or rate problems for small shippers or for less than truckload traffic. The report also found that it was not possible to discern any effects of the changing regulatory conditions due to the short time deregulation had been in effect. In addition, the study concluded that if the Commission were to use weight as a criteria to distinguish between truckload and less than truckload traffic that 20,000 pounds would be an appropriate break between the two categories. The report recommended that no further hearings be held at that time and stated that while it intends to conduct a follow-up study on the deregulation of the former MRT 8-A rates such study was not likely to be imminent given the Transportation Division's work responsibilities.

The basis of the Transportation Division's motion to terminate these proceedings is that the petitions have all been accommodated. We believe such basis to be a valid reason for terminating the petitions. However, the Transportation Division intends to further monitor the rate levels and carrier performances in respect to the commodities covered by former MRT 8-A later this year and for that reason we desire to keep OSH 116 open to receive that monitoring report. We will, therefore, dismiss the petitions and deny the motion in so far as the motion pertains to OSH 116 in Case 5438.

C.5438, OSH 116 ALJ/WSP/fs

Findings of Fact

1. A motion had been made to terminate OSH 116 and dismiss Petitions 129, 130, 131, and 132 in Case 5438.
2. The subject petitions have been accommodated.
3. The Transportation Division intends to further monitor the rate levels and carrier performances in regard to the commodities covered by former MRT 8-A later this year.

Conclusions of Law

1. The subject petitions should be dismissed.
2. The motion to terminate OSH 116 should be denied.

ORDER

IT IS ORDERED that:

1. The motion of the Transportation Division to dismiss Petitions 129, 130, 131, and 132 in Case 5438 is granted and those petitions are dismissed.

2. The motion to terminate OSH 116 in Case 5438 is denied. This order becomes effective 30 days from today.

Dated FEB 10 1988, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
Commissioners

Commissioner John B. Ohanian,
being necessarily absent, did not
participate.

THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

AB
Victor Weisner, Executive Director

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