

Decision 89 12 054 DEC 18 1989

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Regulation)	
of General Freight Transportation)	I.88-08-046
by Truck.)	(Filed August 24, 1988)

ORDER CONTINUING STAY OF DECISION 89-10-039

On October 12, 1989, we approved Decision (D.) 89-10-039, our Decision on Rate, Safety, and Subhaul Regulation for General Freight Transportation. The Decision was to become effective in 30 days, i.e., on November 11, 1989.

Public Utilities (P.U.) Code § 1733(a) provides for an automatic, 60-day stay of an order when an application for rehearing is made 10 or more days before the effective date of the order. Two parties to this proceeding filed applications for rehearing within the time to obtain an automatic stay. On October 31, 1989, the California Teamsters Public Affairs Council filed an application for rehearing alleging 14 grounds of error. On November 1, 1989, the California Trucking Association filed a 180 page application for rehearing. Pursuant to § 1733(a), unless we grant or deny those applications for rehearing before then, the filing of these applications has the effect of staying our Decision through December 31, 1989.

Today's meeting is our last regularly scheduled meeting before the end of the year. Under § 1733(a), if the automatic stay lapses before the Commission acts on these two applications for rehearing, the party filing the application may deem the application denied when the stay lapses.

Under P.U. Code § 1731(b) the deadline for filing applications for rehearing of our General Freight Decision was November 15, 1989. (30 days after the Decision was mailed.) Three additional applications for rehearing were filed by that date: one by Willig Freight Lines, one by the Ad Hoc Carriers

Committee, and one by the California Coalition for Trucking Deregulation and Viking Freight System, Inc. Under P.U. Code § 1733(b), if the Commission does not act on an application for rehearing within 60 days the party filing the application may deem it denied unless the effective date of the order is extended. The deemed denied date for the last of these applications for rehearing will be January 15, 1990.

We are now reviewing the allegations raised in the five applications for rehearing, but have not yet completed our review. Accordingly, in order to prevent any party from deeming its application for rehearing denied before we have issued a decision on the merits of the applications, we will continue the stay of our General Freight Decision pending that decision. In extending the stay, we do not intend to signal any lack of resolve to proceed with our restructuring of general freight rate regulation. Rather, we simply wish to ensure that we have adequate time to give careful consideration to the numerous allegations raised in these lengthy applications for rehearing and the opportunity to respond to them in a single decision, rather than in a piecemeal fashion.

Therefore, good cause appearing,

IT IS ORDERED that:

1. The stay of Decision 89-10-039 is continued pending further order of the Commission.

This order is effective today.

Dated DEC 18 1989, at San Francisco, California.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

C. MITCHELL MILK
President
FREDERICK R. DEJAN
STANLEY W. HULETT
JOHN B. CHANMAN
PATRICIA M. ECKERT
Commissioners