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Decision 91-06-011 June 5, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 for the purposes of considering )  
 and determining minimum rates for )  
 transportation of sand, rock, )  
 gravel and related items in bulk, )  
 in dump truck equipment between )  
 points in California as provided in )  
 Minimum Rate Tariff 7-A and the )  
 revisions or reissues thereof. )

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And Related Matters.

**ORIGINAL**

Case 5437, OSH 325  
 (Filed April 17, 1985)  
 Case 5437, OSH 323  
 (Filed October 1, 1984)  
 Case 5437, Pet. 329  
 (Filed June 6, 1985)

Case 9819, OSH 75  
 Case 9820, OSH 25  
 (Filed April 17, 1985)  
 Case 9819, Pet. 79  
 Case 9820, Pet. 29  
 Case 5432, Pet. 1060  
 (Filed June 6, 1985)

INTERIM OPINION

By Decision (D.) 89-09-104 dated September 27, 1989 in this consolidated proceeding, the Commission adopted rate deviation procedures applicable in connection with transportation performed under the provisions of Minimum Rate Tariffs (MRT) 7-A, 17-A, and 20. The authority granted by D.89-09-104 is scheduled to expire on June 30, 1991.

The Commission's Transportation Division has indicated to the assigned Administrative Law Judge (ALJ) that based upon its monitoring of the activity granted by D.89-09-104, the authority granted thereby should be continued for a time until a determination can be made as to whether the authority should be modified or continued on a permanent basis.

It appears justified that the authority granted by D.89-09-104 be continued. Lapse of that authority would cause confusion in the industry, and would frustrate our desire for greater rate flexibility in our regulation of this industry. Our timely action here will insure that the authority granted by D.89-09-104 does not lapse.

Findings of Fact

1. By D.89-09-104, we adopted rate deviation procedures applicable in connection with transportation performed under MRT's 7-A, 17-A, and 20.

2. The authority granted by D.89-09-104 is scheduled to expire on June 30, 1991.

3. The assigned ALJ has solicited comments from the industry concerning whether the authority granted by D.89-09-104 should be continued or modified. The Commission's Transportation Division believes that the Commission should continue this authority until it can make a determination whether to modify the authority or to continue it on a permanent basis.

4. Continuation of the authority granted by D.89-09-104 in its present form will avoid confusion in the industry, and will satisfy our desire for greater rate flexibility in our regulation of this industry.

Conclusion of Law

The authority granted by D.89-09-104 should be continued through December 31, 1991. In order that this authority does not lapse, the effective date of this decision should be today.

INTERIM ORDER

IT IS ORDERED that the authority granted by Decision 89-09-104 relating to rate deviations performed under Minimum Rate Tariffs 7-A, 17-A, and 20 is continued through December 31, 1991.

This order is effective today.

Dated June 5, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SULLIVAN, Executive Director