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Decision 92-01-009 January 10, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates, and practices of HYDRA TRUCKING, INC., a California corporation, and Discovery Distribution Systems, Inc., a Wisconsin corporation, and James River Corporation of Nevada, a Nevada corporation, as Shipper Respondents,

Respondents.

ORIGINAL

I.90-01-032
(Filed January 24, 1990)

OPINION

The Transportation Division recommends that this investigation proceeding be closed based on the respondent's claim that the transportation at issue is in interstate commerce. This recommendation is supported by a decision of the United States Court of Appeals (Ninth Circuit), as set forth in the letter of counsel for the Transportation Division, dated November 20, 1991, as follows:

"The staff has learned that in the case of International Brotherhood of Teamsters et al. v. I.C.C. No. 88-7313 Ninth Circuit (not yet printed) the court upheld an I.C.C. ruling that the transportation in question was in interstate commerce. The transportation in issue in this proceeding (I.90-01-032) is of the same nature. Therefore the staff requests that an order closing this docket be issued."

Finding of Fact

The transportation at issue in this proceeding, with minor exceptions, is in interstate commerce.

Conclusions of Law

1. The investigation should be terminated and the docket closed.
2. Since the following order is not controversial, it should be effective immediately.

ORDER

IT IS ORDERED that the investigation is terminated and the docket is closed.

This order is effective today.

Dated January 10, 1992, at San Francisco, California.

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

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


NEAL J. SULMAN, Executive Director
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