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JUN 8 1992

Decision 92-06-039 June 8, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
L & T Transport for approval of)
carrier/shipper contract with)
Johnson Controls.)

ORIGINAL
Application 91-11-068
(Filed November 20, 1991)

ORDER OF DISMISSAL

Larry Hupp, a highway contract carrier authorized to operate by the Commission under carrier number T-172385, submitted a special contract to the Commission's Tariff File Room on November 20, 1991 for filing. The special contract, which is dated October 23, 1991, states that L & T Transport is the carrier, and that Johnson Controls is the shipper. L & T Transport is the fictitious business name of Mr. Hupp's operation. The freight is to be transported from the shipper's offices in the City of Industry to Franklin Distillers in San Jose. This special contract appeared on the Commission's Daily Transportation Calendar of November 22, 1991.

On December 11, 1991, Dirksen Transportation, Inc.'s (Dirksen) filed a protest to L & T Transport's special contract. Dirksen's protest alleges several deficiencies with the special contract. Notice of L & T Transport's special contract appeared in the Commission's Daily Calendar of December 18, 1991. However, Dirksen's protest was not noticed on the calendar.

In an Administrative Law Judge's (ALJ) Ruling of January 28, 1992, the Commission's Daily Calendar entry of December 18, 1991 was corrected to reflect that Dirksen had filed a

protest to L & T Transport's special contract filing. The Ruling explained that the assignment of an application number (A.91-11-068) to L & T Transport's special contract filing was the procedural vehicle used to process Dirksen's protest to the special contract. The Ruling also noticed a prehearing conference for February 18, 1992.

At the prehearing conference of February 18, 1992, L & T Transport and Dirksen reached an agreement that resolved Dirksen's protest. Another prehearing conference was set for April 24, 1992 to determine if L & T Transport would comply with the agreement.

In a letter dated April 20, 1992 from Dirksen's attorney to the assigned ALJ, Dirksen's attorney wrote that Mr. Hupp had observed the terms of the February 18, 1992 agreement, and that the prehearing conference of April 24, 1992 should be canceled and the proceeding terminated. On May 4, 1992, Terri Hupp of L & T Transport wrote to the assigned ALJ. L & T Transport's letter stated that it had complied with the agreement, and requested that the proceeding be terminated.

Upon written request of the protestant, Dirksen, to terminate the proceeding in A.91-11-068, and the written request of the applicant, L & T Transport, consenting to the termination of the proceeding,

IT IS ORDERED that:

1. The protest to Application 91-11-068 filed by Dirksen is withdrawn, effective today, because there are no longer any issues pending before the Commission.

2. The application is dismissed under the authority contained in Public Utilities Code § 308 and Resolution A-4638.
Dated June 8, 1992, at San Francisco, California.

/s/ NEAL J. SHULMAN
NEAL J. SHULMAN
Executive Director

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

Neal J. Shulman
NEAL J. SHULMAN, Executive Director
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