

Decision ~~82-02-103~~

FEB 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern Pacific  
Transportation Company and Carriers  
Listed in Exhibit A for authority  
to make effective on California  
Intrastate Traffic General Increases  
in Local and Joint Freight Rates and  
Charges as published in Tariff of  
Increased Rates and Charges, X-357.

Application 58543

Application of the Pacific Southcoast  
Freight Bureau for authority to make  
effective on California Intrastate  
Traffic Selective Increases in Local  
and Joint Freight Rates and Charges  
as published in Tariff of Increased  
Rates and Charges X-375B.

Application 59681

(For appearances see Decision 91502.)

ORDER RESCINDING DECISION REOPENING APPLICATIONS 58543 AND 59681

Decision (D.) 92123 dated August 19, 1980 reopened Applications (A.) 58543 and 59681 for further hearing to consider certain of the issues raised in the following petitions filed by Amstar Corporation, Union Sugar Division of Consolidated Foods Corporation, and California Beet Growers Association:

1. Petition for Rehearing and Modification of D.91502 filed May 1, 1980.
2. Petition for Suspension of Rate Increases and Institution of Contempt Proceedings filed July 25, 1980.

Among other things, D.91502 dated April 2, 1980 in A.58543 and D.92093 dated July 29, 1980 in A.59681 granted increases in rail sugar beet rates to Santa Maria Valley Railroad Company and Southern

Pacific Transportation Company (SP). Ordering Paragraph 3 of D.91502 directed SP to (1) immediately undertake and complete within three years a program to assure that it would have sufficient equipment in reasonable condition to meet the needs of sugar beet shippers; and (2) submit its plan to achieve this goal to the Commission within 90 days. The two petitions were primarily concerned with the availability of a reliable supply of sugar beet rail cars.

The reopening of A.58543 and 59681 by D.92123 was for the limited purpose of determining whether SP was complying in good faith with the directives set forth in Ordering Paragraph 3 of D.91502, and based on the answer to this question, whether the increases in sugar beet rates granted by D.91502 and 92093 should be rescinded or otherwise modified.

After several resettings at the request of the attorney for petitioners, public hearing in the reopened matters was held before Administrative Law Judge Arthur M. Mooney in San Francisco on January 20, 1981. No evidence was taken, and the matter was temporarily removed from the calendar at the request of petitioners' attorney to afford the parties an opportunity to compromise their differences. Since then, their attorney has advised from time to time that an agreement regarding sugar beet rail cars was progressing. By letter dated January 6, 1982, he stated that a settlement agreement has been reached by all concerned parties and that the two petitions filed on behalf of his clients are withdrawn.

We find that the request by petitioners' attorney to withdraw his clients two petitions is reasonable and conclude that the petitions should be dismissed and D.92123 reopening of A.58543 and 59681 for further hearing should be rescinded.

IT IS ORDERED that:

1. The following petitions filed by Amstar Corporation, Union Sugar Division of Consolidated Foods Corporation, and California Beet Growers Association are dismissed:

- a. Petition for Rehearing and Modification of D.91502 filed May 1, 1980.
- b. Petition for Suspension of Rate Increases and Institution of Contempt Proceedings filed July 25, 1980.

2. Further proceeding in A.58543 and 59681 ordered by D.92123 is rescinded.

This order becomes effective 30 days from today.

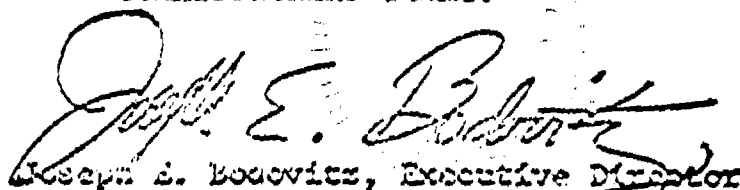
Dated FEB 17 1982, at San Francisco, California.

RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

Commissioner JOHN E. BRISON

Present but not participating.

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

  
Joseph E. Bodovitz, Executive Director