

Decision 82 03 035 MAR 2 - 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Case 5437
 Petition for Modification 304
 (Filed January 22, 1979)

ORDER OF DISMISSALStatement of Facts

By Minimum Rate Tariff 7-A (MRT 7-A) the Commission prescribes minimum rates and rules and regulations for transportation of sand, rock, gravel, and related items in bulk in dump truck equipment over the public highways of this State by highway carriers.

As a consequence of alleged carrier operating problems in 1978 in obtaining the services of subhaulers in certain geographical areas, some prime carriers asserted that they were unable to provide adequate and dependable service to the shipping public in these areas. To remedy the situation, the California Trucking Association (CTA) by this petition sought to redefine the boundaries of Northern and Southern Territories by transfer of Fresno, King, Madera, Mariposa, Merced, Stanislaus, and Tulare Counties.

The territorial boundary changes proposed by CTA were opposed by Associated Independent Owner-Operators, Inc. and California Asphalt Pavement Association. California Dump Truck Owners Association, while stating its belief that granting CTA's petition might solve the Central Valley problem, asked that other areas also be considered.

By Decision 89597 dated October 31, 1978, the Commission directed our Transportation Division staff to explore suggested additional methods of cost and rate development before a determination was made to revise the present geographical application of the hourly and mileage tonnage rates in MRT 7-A. Meanwhile there have been many developments in the regulation field, and during the intervening period the Commission has announced its intention to move towards reregulation.

Under these circumstances it is currently untimely to move forward with Petition 304. Accordingly, by a letter dated January 25, 1982, CTA advised the administrative law judge that it has no objection to the petition being dismissed without prejudice.

Discussion

We concur that at this time it is premature to attempt to address the issues involved in Petition 304, and rather than continue to carry it any longer on our docket, the petition will be dismissed without prejudice.

It is customary for the Commission, in general accord with the provisions of the Code of Civil Procedure § 581, as amended, to grant an applicant, complainant, or petitioner dismissal without prejudice of his filed application, complaint, or petition, upon written request by the applicant, complainant, or petitioner, before the actual commencement of hearing. We will adhere to our usual procedure and do so in this instance.

Conclusion of Law

The petition should be dismissed without prejudice.

IT IS ORDERED that Petition 304 in Case 5437 is dismissed without prejudice.

This order becomes effective 30 days from today.

Dated MAR 2 1982, at San Francisco, California.

JOHN E. BRYSON

President

RICHARD D. GRAVELLE

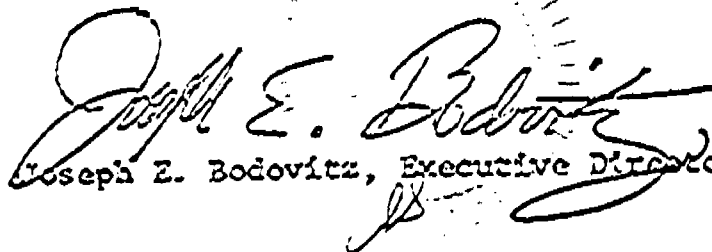
LEONARD M. CRIMES, JR.

VICTOR CALVO

PRISCILLA C. CREW

Commissioners

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


Joseph E. Bodovitz, Executive Director