

ORIGINAL

Decision 82 04 032 APR - 6 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
for the purpose of considering and )  
determining the minimum rates for )  
transportation of cement and )  
related products statewide as )  
provided in Minimum Rate Tariff )  
No. 10 and the revisions and )  
reissues thereof. )

C. 5440, OSH 103  
Petition for Modification  
(Filed March 9, 1982)

And Related Matters. )

C. 5432, OSH 962

SUPPLEMENTAL OPINION AND ORDER  
AMENDING DECISION 82-02-134

The California Trucking Association (CTA) on March 9, 1982 petitioned the Commission to modify Decision (D.) 82-02-134. CTA asserted that the decision may not fully reflect the Commission's proposed reregulation program and that clarification is necessary to assure all parties as to the adopted program.

CTA states that General Order 150, Appendix 2 of D.82-02-134, in Rule 8, Paragraph B.1(a) refers to "competing highway carrier" and that Rule 2-Definitions do not define "highway carrier". CTA further states that the term "highway carrier" has been traditionally defined to include all for-hire carriers. However, because the general order deals only with common and contract carriers of cement, a more specific definition

directly related to cement transportation is necessary. By such definition, there would be no possible <sup>misunderstanding</sup> ~~alternation~~ of the Commission's intended reregulation program by an interpretation of the Commission's dicta.

Finding of Fact

✓  
K  
✓  
K  
The proposed modification is just and reasonable.

Conclusions of Law

1. The petition should be granted.
2. The effective date of this order should be the date of the signature because there is immediate need for this clarification.



~~ORDER~~

IT IS ORDERED that:

1. General Order 150 is amended by incorporating the attached First Revised Page 5 to Appendix 2 to become effective April 6, 1982.
2. In all other respects, D.82-02-134, as amended, shall remain in full force and effect.

C.5432, OSH 103 et al. T/PNK/ARM/WPSC

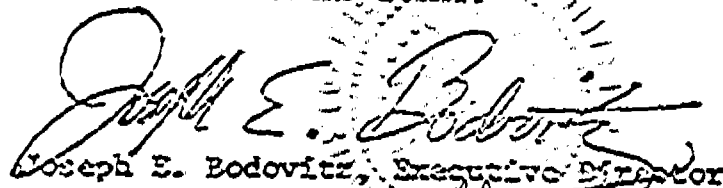
3. The Executive Director shall serve a copy of this decision upon all parties named in Appendix 1 of D.82-02-134, upon all cement carriers, and upon all subscribers to Minimum Rate Tariff 10.

This order is effective today.

Dated APR - 6 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director

APPENDIX 2

FIRST REVISED PAGE 5

- I-A. "Highway Carrier" means every highway common carrier, cement carrier, highway contract carrier, and cement contract carrier as described in Rule 1.
- J. "Independent-Contractor Subhauler" means any carrier who renders a service for a principal carrier, for a specified recompense, for a specified result of the work only and not as to the means by which such result is accomplished. This term includes sub-subhaulers when such carriers are engaged by other subhaulers.
- K. "Minimum Charge" means the charge per shipment shall be the charge for 47,500 pounds at the applicable rate.
- L. "Point" means a particular city, town, community, extended area, metropolitan zone, or other area which is defined for the application of rates.
- M. "Rate" means the figure stated in cents, dollars and cents, or fractions, including the charge and, also, the minimum weight and rules governing, and any accessorial charges to be used in computing the charge on the property transported.
- N. "Rate Bureau" means each conference, bureau, committee, or other organization established or continued under any agreement approved by the Commission under the provisions of Code Section 496.