

Decision 82 07 042 JUL 7 - 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 minimum rates for)
 transportation of rock, sand, gravel)
 and related items in bulk, in dump)
 truck equipment in Southern California)
 as provided in Minimum Rate Tariff)
 17-A and Southern California Production)
 Area and Delivery Zone Directory 1,)
 and the revisions or reissues thereof.)

Case 9819
 Petition for Modification 15
 (Order Granting Rehearing
 dated November 4, 1980)

ORDER MODIFYING DECISION
(D.) 82-06-026 AND DENYING
REHEARING THEREOF

An application for rehearing of D. 82-06-026 has been filed by the Concerned Dump Truckers of Santa Barbara, Santa Maria and San Luis Obispo Counties (Concerned Truckers). We have carefully considered each and every allegation of error in that application and are of the opinion that good cause for granting rehearing has not been shown.

However, we wish to make it clear that in adopting zone rates for the areas in question we have carefully weighed the evidence and arguments of the participants on all issues, including that of any possible anti-competitive effects.

We are aware that it is the position of the Concerned Truckers that the use of these rates will have anti-competitive effects. However, our review of the record in this proceeding shows that there is no persuasive evidence to support that view. In fact, the evidence convinces us to the contrary.

Zone rates are not a new concept. They have been in use in other areas of California for many years. The manager

of the California Dump Truck Owners Association, who has had wide experience as a dump truck operator in the Los Angeles area, operating under both zone and hourly rates, testified that the use of zone rates has not had anti-competitive effects. Likewise, the testimony of E.O. Blackman, who has many years of experience in the dump truck industry, was that the use of zone rates has been of benefit to that industry. We find this testimony together with the fact that zone rates have had the test of long experience in California to be persuasive on this issue and conclude that their use in the areas in question will not have anti-competitive effects. In the following order we add a finding of fact to that effect. Therefore, good cause appearing,

IT IS ORDERED that,

1. The following finding of fact is added to D. 82-06-026:

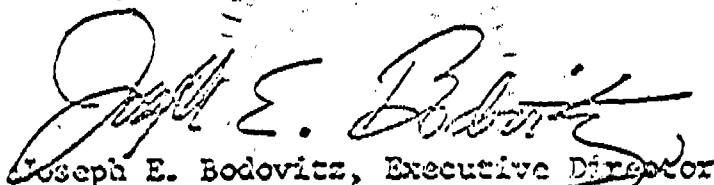
"8.(a) The weight of the evidence shows the use of zone rates in the areas in question will not have anti-competitive effects."

2. Rehearing of D. 82-06-026 as modified herein is denied.

This order is effective today.

Dated JUL 7 1982 at San Francisco, California.

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


Joseph E. Bodovitz, Executive Director

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

Commissioner John E. Bryson,
being necessarily absent, did
not participate.