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AUG 17 1983

ORIGINAL

Decision

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Charles D. Tobey, doing business as C & M Trucking, for authority to deviate from the minimum rates and rules established for the transportation of Asphaltic Concrete in MRT 17-A and MRT 7-A.

Application 82-08-42 (Filed August 20, 1982; amended November 18, 1982 and May 9, 1983)

ORDER FURTHER EXTENDING INTERIM AUTHORITY

Interim Decision (D.) 82-09-102 dated September 22, 1982, as amended by D.83-01-060 dated January 19, 1983, and D.83-05-083 dated May 18, 1983, granted temporary authority to Charles D. Tobey, an individual doing business as C & M Trucking, to charge less than the applicable rates in Minimum Rate Tariffs (MRTs) 7-A and 17-A for the transportation of asphaltic concrete for Huntmix, Inc. from the shipper's new plant in Irwindale to a construction project at Berths 121-126 in Los Angeles Harbor. The decisions provide that the matter will be set for hearing to, among other things, receive evidence regarding performance and cost data experienced by Tobey and subhaulers he engages in providing this transportation. The interim authority expires August 20, 1983.

The transportation in issue was originally scheduled to commence in October 1982. However, because of the unusually heavy rainy season during late 1982 and early 1983, there was a substantial delay in the delivery and placement of base materials which had to be completed before the paving materials could be used.

Applicant's representative has advised that the asphaltic concrete haul has commenced and that he is collecting the cost and other data to be presented at the hearing to be scheduled in this

matter. The Commission staff has advised that it is reviewing data furnished to it by Tobey and is preparing a report to be presented at the hearing.

Because additional time beyond August 20, 1983 will be necessary to calendar and hear the matter and to issue a final decision, the interim authority should be further extended to November 30, 1983.

Finding of Fact

The further time extension is due to reasons beyond applicant's control and is reasonable.

Conclusions of Law

1. The expiration date should be extended to November 30, 1983.
2. Because the interim authority is scheduled to expire August 20, 1983, the following order should be made effective on the date it is signed.

IT IS ORDERED that:

1. The expiration date of Interim D.82-09-102, as amended by D.83-01-060 and D.83-05-083, is extended to November 30, 1983, unless sooner canceled by the Commission after hearing.

2. In all other respects D.82-09-102, as amended by D.83-01-060 and D.83-05-083, shall remain in full force and effect.

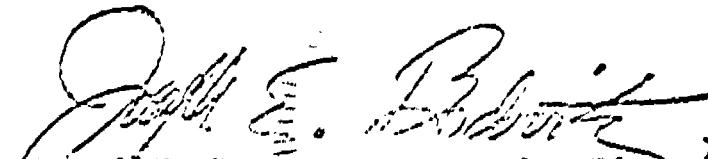
This order is effective today.

Dated AUG 17 1983, at San Francisco, California.

VICTOR CALVO
FRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

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


Joseph E. Bodovick, Executive Director