

Decision No. 86778**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of R. Cali & Bros. for
 authority under Section 3666 of the
 Public Utilities Code of the State
 of California to deviate from the
 minimum rates for the transporta-
 tion of Fibreboard Boxes, OTC, KDF
 for Container Corporation of
 America between Container Corpora-
 tion of America plant, and customer
 points.

Application No. 56249
 (Filed January 30, 1976;
 amended April 12 and
 September 14, 1976)

O P I N I O N

Decision No. 85862 dated May 25, 1976 granted applicant R. Cali & Bros. authority to deviate from the minimum rates for the transportation of fibreboard boxes for Container Corporation of America (CCA) between Santa Clara and points in Fresno County. Decision No. 86265 dated August 17, 1976 amended that authority by the addition of San Jose as an origin point. This amendment was made upon receipt of a letter from CCA advising that San Jose had been inadvertently omitted. On August 27, 1976, California Trucking Association (CTA) filed a petition to vacate and set aside Decision No. 86265, or grant hearing. CTA contended that the decision was issued based on the request of a party having no standing, and that no public notice was provided to known interested parties, resulting in a decision not based on evidence of record and violated Section 3666 of the Public Utilities Code.

On September 14, 1976, applicant filed an amendment to the application requesting the relief granted by Decision No. 86265. On October 19, 1976, the Commission ordered rehearing of Decision No. 86265.

It has come to the Commission's attention that CTA, by letter dated October 7, 1976, had advised that after considering the amendment filed September 14, 1976 that the issues addressed in their petition were essentially moot and no opposition would be raised to dismissal of the petition following a decision on the merits of the amendment.

The CTA letter, for unknown reasons, did not come to our attention or the attention of appropriate members of our staff until after the order granting rehearing was issued.

In consideration of the amended application and the position of CTA thereon, there remains no purpose of hearing. We find that the authority granted to applicant by Decision No. 85862, as amended by Decision No. 86265, should be reaffirmed and conclude that the order granting rehearing be vacated.

O R D E R


IT IS ORDERED that:

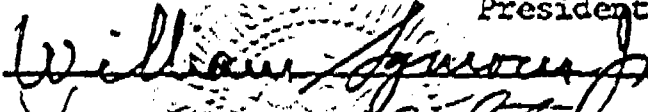
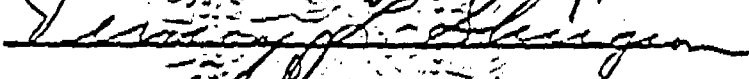
1. The order granting rehearing of Decision No. 86265, pursuant to Decision No. 86537, is hereby vacated.


2. In all other respects, Decision No. 35862, as amended by Decision No. 86265, shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of DECEMBER, 1976.



President





Commissioners

Commissioner Robert Batinevich, being necessarily absent, did not participate in the disposition of this proceeding.