

ORIGINAL

Decision No. 86938

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of FRANK'S TRUCKING for authority to depart from the minimum rates, rules, and regulations of Minimum Rate Tariff No. 2, pursuant to the provisions of Section 3666 of the Public Utilities Code.

Application No. 56766
(Filed September 21, 1976)

In the Matter of the Investigation for the purpose of considering and determining minimum rates for transportation of any and all commodities statewide including, but not limited to those rates which are provided in Minimum Rate Tariff 2 and the revisions or reissues thereof.

Case No. 5432
Petition for Modification
No. 919
(Filed September 21, 1976)

ORDER GRANTING PARTIAL REHEARING OF PORTIONS OF
DECISION NO. 86565

A petition for rehearing and suspension of Decision No. 86565 was filed by California Trucking Association on November 4, 1976. The Commission having considered each and every allegation of the petition, and being of the opinion that good cause for partial rehearing has been made to appear,

IT IS ORDERED that:

1. Partial rehearing of Decision No. 86565 is granted, limited to a reconsideration of the record (as it exists or as it may be supplemented in the discretion of the assigned Commissioner and Examiner) for the purposes of determining (1) whether or not the granting of a less than a maximum reasonable rate to this applicant is required by the needs of commerce or the public interest and (2) whether or not it is designed to meet the

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competitive charges of other carriers or the cost of other means of transportation. If the record indicates that it is for the purpose of meeting the competitive charges of other carriers or the cost of other means of transportation there shall also be a determination of whether or not the rate is justified by transportation conditions.

2. Said rehearing shall be undertaken as expeditiously as possible.

3. There shall be no suspension of the order pending rehearing since an examination of the equities involved indicates that a suspension in this case may cause severe economic harm to the applicant while no other person will be adversely affected by the order.

The Executive Director is directed to cause a copy of this order to be served upon O. R. Thomasson, Alternate Agent, Pacific Motor Tariff Bureau, Inc.

It is further directed that appropriate notice of the opportunity to submit additional evidence for the record shall be mailed at least ten (10) days prior to submission to the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 1st day
of FEBRUARY, 1977.

*I dissent.
I would grant rehearing
and suspension.
William Squares, Jr.*

Robert B. ...

President
James L. ...

J. Ross

Richard D. ...

Commissioners