

AP

ORIGINAL

Decision No. 87826 SEP 7 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WARREN TRUCKING CO., INC., a)
California corporation, for a Certif-)
icate of Public Convenience and)
Necessity to operate as a Highway)
Common Carrier for the transportation)
of property in intrastate and inter-)
state and foreign commerce.)

Application No. 56483

ORDER EXTENDING TIME

Decision No. 86377 dated September 14, 1976 granted a certificate of public convenience and necessity to Warren Trucking Co, Inc. to transport newsprint paper and printing paper used in the publication of newspapers and other printed matter, in flat stock and in rolls, from Los Angeles, Long Beach, and San Diego, and points and places within five miles thereof, to points in Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, Imperial, San Diego, Tulare, Kern, Kings, and San Luis Obispo Counties. The time set forth in Ordering Paragraph 2(b) of the decision within which applicant is required to establish the authorized service and file tariffs with the Commission was extended to June 1, 1977 by Decision No. 86860 dated January 11, 1977 in this proceeding and again to September 1, 1977 by Decision No. 87434 dated June 7, 1977 in Petition 940 in Case No. 5432. The latter decision granted part of the authority sought by applicant to publish rates below the minimum level for the certificated service it has been authorized to provide. For this reason, applicant filed a Petition for Modification of Decision No. 87434 on June 23, 1977.

A Petition for Reconsideration or Rehearing of the same decision was filed by the California Trucking Association on June 28, 1977. Since Decision No. 87434 was made effective on the date it was issued, neither petition stayed the June 7, 1977 effective date. Decision No. 87771 dated August 23, 1977 granted rehearing on the California Trucking Association petition. No decision has been issued on applicant's petition.

By letter dated August 29, 1977, applicant pointed out the above situation and stated that it now proposes to go ahead and publish the rates that were authorized by Decision No. 87434 without waiting for a determination on its Petition for Modification. It asserts that this will require approximately 30 days and requests a further extension of time to publish the rates and commence its common carrier service.

We find that because of the uncertainties that have existed because of the petitions for modification and rehearing, applicant's request for an extension of time is reasonable and conclude that it should be granted. Because the time within which applicant is required to comply with Ordering Paragraph 2(b) of Decision No. 86377, as amended, has expired, the order which follows will be made effective on the date it is issued.

Applicant is placed on notice that our action herein does not in any manner modify our order in Decision No. 87771 in Petition 940 in Case No. 5432 which granted rehearing of Decision No. 87434. The order herein merely extends the time within which applicant may file tariffs and commence service. Should applicant publish the rates authorized by Decision No. 87434, he assumes the risk of having to cancel them should the decision in the rehearing proceeding so order.

IT IS ORDERED that:

1. The time within which applicant shall comply with the provisions of Ordering Paragraph 2(b) of Decision No. 86377, as amended by Decisions Nos. 86860 and 87434, is further extended to November 1, 1977.

2. In all other respects, Decision No. 86377, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 7th
day of SEPTEMBER, 1977.

Robert Bakun
President
William Lyons Jr.
James P. Thorne
Clive J. DeRish
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.