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ORIGINAL

Decision No. 87888 SEP 20 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J. S. Shafer, Jr.,)	
for authority, pursuant to Pro-)	
visions of Section 3666 of the)	Application No. 56055
Public Utilities Code, to depart)	
from the minimum rates, rules and)	
regulations of Minimum Rate Tariff)	
No. 17-A.)	

ORDER DENYING REHEARING

This proceeding was commenced by the filing of an application to deviate from minimum rate on November 10, 1975. Interim Decision No. 85254, dated December 16, 1975, authorized a temporary deviation from MRT 17-A, pending public hearing. The authority was to expire June 30, 1976.

Applicant amended its application on March 12, 1976, and requested that the rate authorized by Decision No. 85254 be increased to reflect increased rates in MRT 17-A and increases in allowable gross vehicle weight brought about by statutory amendment. The request was granted by Decision No. 85651, dated March 30, 1976.

Decision No. 86029, dated June 29, 1976, extended the expiration date of the temporary authority to December 31, 1976. Decision No. 86791, dated December 21, 1976, again extended the expiration date of the temporary authority to March 31, 1977.

On January 3, 1977, applicant filed a second amendment to the application requesting an increase in the authorized deviation rate. By Decision No. 87155, dated March 29, 1977, the Commission granted the request and extended the expiration date of the temporary authority to June 30, 1977.

Public hearings were held June 1, 1977, and the matter was submitted. Prior to disposition of the matter, however, we issued Decision No. 87542, dated June 29, 1977, which extended the expiration date of the temporary authority to July 31, 1977.

On July 12, 1977, we issued Decision No. 87594 in which the proposed deviation from minimum rates was authorized for a one year period. However, Decision No. 87594 ordered that, if subhaulers were used, they must be paid no less than 95% of the authorized rate with no deduction for the use of applicant's trailing equipment.

Decision No. 87594 was effective July 31, 1977. However, the filing of applicant's petition for rehearing of Decision No. 87594 and for further extension of temporary authority on July 21, 1977, invoked the automatic suspension provisions of Section 1733(a) of the Public Utilities Code. Without further action applicant's operating authority would have expired on July 31, 1977, pursuant to Decision No. 87542. We, therefore, issued Decision No. 87661, dated July 26, 1977, which extended the expiration date of applicant's temporary authority to November 30, 1977.

We have considered each and every allegation of the petition for rehearing and are of the opinion that good cause has not been shown for rehearing or for further extension of the temporary authority. We therefore conclude that:

1. Rehearing of Decision No. 87594 should be denied;
2. Denial of applicant's petition for rehearing will reinstate Decision No. 87594 by operation of law. (Public Utilities Code, Section 1733(a).)
3. Since the following order effectuates Decision No. 87594, the same order should, to avoid confusion, rescind Decision No. 87661, which extended the expiration date of applicant's temporary authority to November 30, 1977.
4. It is not necessary to take any action upon applicant's petition for further extension of his temporary authority, since such relief was granted in full by the Commission in Decision No. 87661, pending disposition of the petition for rehearing. Therefore,

IT IS ORDERED that:

1. The petition of J. S. Shafer, Jr. for rehearing of Decision No. 87594 is hereby denied;
2. Decision No. 87661 is hereby rescinded.

A. 56055

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20th
day of ~~SEPTEMBER~~ SEPTEMBER 1977.

I abstain
William Lyons Jr.
I abstain
Clavin J. DeBrich

Robert Buterbach
President

Vernon L. Sturgeon

Richard D. Shavell

Commissioners