

dz

Decision No. 87940 OCT 4 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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. 883

And Related Matters.

Case No. 5439, Petition 268
Case No. 5441, Petition 355

ORDER REOPENING FOR FURTHER CONSIDERATION

California Trucking Association (CTA) moves that the Commission reopen the above-entitled matters for the purpose of receiving additional evidence on the reasonableness of the tariff provisions ordered in Decisions Nos. 87438, 87439, and 87440 issued June 7, 1977. CTA asserts that the additional evidence to be offered by it and by other parties has not heretofore been presented to the Commission and that such evidence bears directly upon the tariff revisions ordered by Decisions Nos. 87438, 87439, and 87440. CTA asserts that the Commission's failure to consider such evidence will result in the promulgation of unreasonable minimum rates, rules, and regulations. Further, CTA asserts that this view is widely held by shippers and carriers alike.

Petition 883 was filed March 8, 1976 to develop proposals for providing incentives for prepaid shipments. Following public hearing on Petition 883 the Commission issued Decisions Nos. 87438 et al. which ordered tariff changes differing substantially from those proposed by CTA or any other party. The decisions held that in lieu of an added charge for collect shipments there should be a deduction on prepaid shipments. CTA and others filed petitions for rehearing which stayed the orders in those decisions. On July 26, 1977 the Commission issued Decision No. 87662 denying rehearing. The suspension continues in effect until further order of the Commission.

In its petition to reopen CTA asserts that, because the rule promulgated in Decisions Nos. 87438 et al. was different from any rule proposed, the Commission has not been fully informed concerning the consequences of such action, which CTA asserts will be adverse for shippers and carriers alike.

The petition of CTA sets forth various fact situations which show that the Commission decisions place significant additional cost burdens upon shippers and carriers alike and will create other burdens leading to conflicts between shippers and carriers over amounts as small as 50 cents or a dollar thereby creating bad will and delaying the expeditious movement of freight.

CTA has raised sufficient concern over the result of Decisions Nos. 87438, 87439, and 87440 that we are of the opinion that additional hearings should be held to determine if those decisions should be modified.

C.5432, Pet. 883 et al. dz

Therefore, IT IS ORDERED that Case No. 5432, Petition for Modification No. 883; Case No. 5439, Petition 268; and Case No. 5441, Petition 355 are reopened for further hearing to reconsider Decisions Nos. 87438, 87439, and 87440 to determine whether those decisions should be modified.

Pending further hearing the suspension of tariff provisions in these matters shall be continued until further order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 4th
day of OCTOBER, 1977.

Robert Boland
President

Vernon L. Sturgeon
Richard D. Cavall

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.