

ORIGINAL

Decision No. 88254 DEC 20 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Frank O. Culy, Jr., F. O. Culy., and Harold F. Culy dba Riteway Transportation Company for the authority to deviate from minimum rates and charges on shipments between Long Beach plant, plant distribution warehouse on the one hand and Sacramento plant, plant distribution warehouse on the other hand for the Proctor and Gamble Company under Section 3666 of the Public Utilities Code.

Application No. 56346
(Petition for Modification
filed September 7, 1976)

Armand Karn, for Riteway Transportation Company,
applicant.
James R. Foote, for Associated Independent
Owner-Operators, Inc., interested party.
W. C. Bricca, Attorney at Law, for the Commission
staff.

ORDER OF DISMISSAL

The Petition for Modification filed September 7, 1976 seeks revision of paragraph 4 of Appendix A of Decision No. 86169, which authorized Riteway Transportation Company (a partnership) to transport property for Procter and Gamble Company at less than minimum rates. The paragraph in question required that subhaulers be paid not less than the deviation rates authorized in Decision No. 86169.

The petition was scheduled for hearing on a consolidated record with Case No. 10374, an investigation into the operations of Riteway Transportation Company with respect to payments to subhaulers under the authority granted in Decision No. 86169. At the scheduled

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hearing in Sacramento on December 1, 1977, applicant requested that its petition be withdrawn as it was not prepared to present evidence in support thereof. No objection was received.

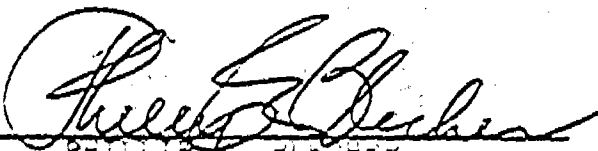
In the circumstances,

IT IS ORDERED that the request for revision of Decision No. 86169 set forth in applicants' Petition for Modification filed September 7, 1976 is hereby dismissed without prejudice.

This order is issued pursuant to Section 308 of the Public Utilities Code and Resolution No. A-4638.

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

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



PHILLIP C. BLUCHER
Executive Director
Of the Public Utilities
Commission of the State of California