

ORIGINAL

Decision No. 88725 APR 18 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Blue Streak Messenger and Delivery)
Service, Inc. for a deviation from)
the Minimum Rates and Rules in MRT 2)
in connection with deliveries to)
AMFAC Drug Supply.)

Application No. 56659
(Filed July 29, 1976)

FINAL ORDER

By Decision No. 86463 dated October 5, 1976 applicant was granted interim authority to deviate from minimum rates in connection with certain transportation for AMFAC Drug Supply Co. That authority expired October 5, 1977, but was reinstated on October 25, 1977 by Decision No. 88047, dated that same day, for six months.

By letter dated February 24, 1978 applicant states it is not fully prepared to go to hearing at this time and requests that the interim authority be continued. Applicant further requests that such authority not expire until January 1, 1979 which would give it time to make the necessary decisions concerning recent changes in the law affecting radial highway common carriers.

There are no protests to the application. However, by letters of August 30, 1976 and March 24, 1978, the California Trucking Association strongly questioned the reasonableness of the proposed rates and requested an "opportunity to test the validity of applicant's representations at cross-examination."

We find applicant's current requests to be reasonable and conclude that they should be granted. We further find that at the end of 1978 this matter will be almost two and one-half years old and that if after applicant assesses its requirements in light of the changes in the law there is a need for applicant to have the deviation, it can file a new application as appropriate. Accordingly, we will dismiss this application without prejudice to a future filing for the same or similar authority.

IT IS ORDERED that:

1. The authority granted in Ordering Paragraph 1 of Decision No. 86463, and which was extended by Decision No. 88047, is further extended to January 1, 1979.

2. To the extent not granted by this decision Application No. 56659 is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 18th day of APRIL, 1978.

I dissent.
William Lyons, Jr.

Robert Bateman
President

Vernon L. Sturgeon

Alain J. Debrill
Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.