

Decision No. 89012 JUN 27 1978

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  
(Filed March 8, 1976)  
Order Granting Rehearing  
Decision No. 87940  
(Dated October 4, 1977)

And Related Matters.

Case No. 5439, Petition 268  
Case No. 5441, Petition 355  
(Filed March 8, 1976)

(For additional appearances see Decision No. 87438.)

William R. Haerle, Attorney at Law, for California Trucking Association, petitioner.  
William D. Mayer, for California Manufacturers Association; and Richard O. Austin, for Domtar Gypsum America, Inc., interested parties.  
Donald J. Harvey, for the Commission staff.

ORDER OF DISMISSAL AND ORDER RESCINDING DECISIONS NOS. 87438, 87439, 87440, AND 87940

By Decisions Nos. 87438, 87439, and 87440, issued June 7, 1977, California Trucking Association's (CTA) proposed tariff incentive provisions to promote the tender of shipments on a prepaid basis were adopted with substantive modifications thereto in Minimum Rate Tariffs 2, 1-B, 9-B, and 19. Pursuant to CTA's petition for reconsideration and suspension of tariff provisions, the Commission in Decision No. 87940 ordered that Petitions 883, 268, and 355 in Cases Nos. 5432, 5439, and 5441, respectively, be reopened for further hearing to reconsider

and determine whether Decisions Nos. 87438, 87439, and 87440 should be modified. Pending such further hearing the suspension of tariff provisions in these matters was continued until further order of the Commission.

At the May 16, 1978 further hearing held before Administrative Law Judge Gagnon at San Francisco, CTA respectfully moved the Commission to vacate its orders in Decisions Nos. 87438, 87439, and 87440 and concurrently therewith dismiss CTA's related petitions. The motion was endorsed and fully supported by the California Manufacturers Association and the Traffic Managers Conference of California. Letters supporting CTA's position from several other shipper and carrier interests were also attached to CTA's motion. The Commission's Transportation Division staff also noted for the record that it does not oppose the motion filed by CTA.

All of the information and data submitted in support of CTA's motion have been thoroughly considered and it has been determined that petitioner's motion should be granted.

IT IS ORDERED that:

1. Petitions for Modification Nos. 883, 268, and 355 in Cases Nos. 5432, 5439, and 5441, respectively, are dismissed.
2. Decisions Nos. 87438, 87439, 87440, and Order Granting Rehearing Decision No. 87940 are rescinded.

3. The minimum rate tariff pages established pursuant to Decisions Nos. 87438, 87439, and 87440, currently under suspension, are hereby canceled.

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

Dated at San Francisco, California, this 27<sup>th</sup> day of JUNE, 1978.

William S. Gerson President  
Vernon L. Shingler  
Charles D. Hooley  
Laurel L. DeBrial Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.