

Decision No. 89417

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Investigation on the Commission's own motion to determine methods for ascertaining maintenance costs of automatic grade-crossing protection.

Case No. 9710
(Filed April 16, 1974)

ORDER DISMISSING CASE NO. 9710

On written motion, the Commission staff requests that the Commission adopt the staff's findings in its Report on Railroad-Highway Grade Crossing Protection Maintenance filed November 13, 1974 in Case No. 9710 and dismiss this long-dormant proceeding. In its motion the staff states that the data employed by the staff in formulating its recommendations in its report were based on costs incurred during the calendar year 1973 and are not currently useful. No hearings have been held on the matter.

Respondent The Western Pacific Railroad Company, in its reply to the staff's motion, requests that the case be dismissed without prejudice, or in the alternative, for the Commission to issue its order directing that hearings be held in the matter to allow respondents opportunity to cross-examine staff witnesses as to the findings of the staff's report and to present countering evidence.

Respondent Southern Pacific Transportation Company objects to the Commission's adopting the findings of the staff as no hearings have ever been held on the matter and no opportunity given it to test the report or expose its inadequacies and so objects to dismissing the case on the basis proposed by the staff.

After consideration, the Commission finds and concludes that it would be unfair to respondents to adopt the staff's findings in the staff report without giving respondents an opportunity to test the findings at a hearing and give counter proposals; that the

data found in the staff report, because of the untimeliness, would serve no useful current purpose; and that the case should be dismissed.

IT IS ORDERED that Case No. 9710 is dismissed.

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

Dated at San Francisco, California, this 19th day of SEPTEMBER, 1978.

William S. ... President
Vernon L. ...
Robert D. ...
Clair J. ... Commissioners

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