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Decision No. 89806 SEC 13 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 com-)
 modities statewide, including, but)
 not limited to, those rates which)
 are provided in Minimum Rate)
 Tariff 2 and the revisions of)
 reissues thereof.)

Case No. 5432
 Petition for Modification
 No. 1027
 (Filed June 20, 1978)

ORDER GRANTING REHEARING
OF DECISION NO. 89497

California Trucking Association has filed an application for rehearing of Decision No. 89497. The Commission has considered each and every allegation contained therein and is of the opinion that rehearing should be granted for the purpose of allowing the submission of briefs and/or oral argument on the issue of whether Section 454 of the Public Utilities Code requires a showing, and a finding by the Commission, to increase rates falling between a previously authorized decrease from the minimum rate under Section 452 and the published minimum rate under Section 3662. The California Trucking Association shall have the burden of going forward on this issue. In no case shall the rate increase authorized in Decision No. 89497 for Big Pine Trucking, Inc. be annulled or modified as a result of the decision on rehearing. Therefore,

IT IS ORDERED that rehearing of Decision No. 89497 is granted, limited to the issue of whether the requirements of Section 454 of the Public Utilities Code are met when a common carrier has published a less than minimum rate under authority granted pursuant to Section 452 and increases such a rate to a level less than or equal to the Commission's published minimum rate.

C. 5432 bh Alt.

IT IS FURTHER ORDERED that the California Trucking Association shall have the burden of going forward on the above-mentioned issue.

IT IS FURTHER ORDERED that the current rates of Big Pine Trucking, Inc., shall not be affected by the results of the decision on rehearing of Decision No. 89497.

Rehearing shall be held at such time and place as the Commission shall hereafter designate.

The effective date of this order is the date hereof.

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

Robert B. Bell
President
William J. Sproule Jr.
Vernon L. Sturgeon
Robert D. Howell
Clarence L. Dedrick
Commissioners