

**ORIGINAL**Decision No. 90016 ? FEB 27 1979

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 trans- )  
 portation 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. 771  
 (Petition for Modification  
 filed August 1, 1978)

ORDER DENYING RECONSIDERATION

By Decision No. 89029, dated June 27, 1978, in this proceeding, the Commission revised the minimum rates applicable to the transportation of forest products including poles. The decision became final; and subsequent thereto on August 1, 1978, Koppers Company, Inc. (Koppers), which was not a party to those proceedings, filed a petition for a modification of Decision No. 89029 to change certain of the rules governing the application of the minimum rates on poles which were established therein.

We referred the petition to our staff for its opinion concerning whether the changes sought by Koppers could be considered as an oversight and are of a noncontroversial nature. The staff has advised that they could not be so considered. We have examined the record for the purpose of determining whether there is any evidence therein which would support the changes sought by Koppers and do not find any. In the circumstances the sought changes could be made by the Commission only after receiving evidence in support thereof at a public hearing. Although Koppers has plants at Ontario and at Oroville, its




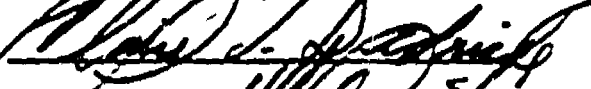
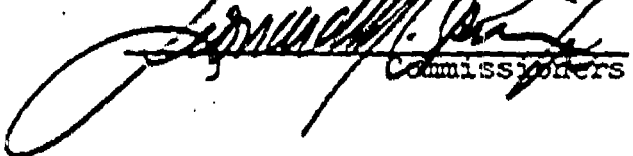
C.5432, Pet. 771 fc

business office is at Pittsburgh, Pennsylvania. We are not inclined to reopen this proceeding for the purpose of receiving further evidence therein (from a party who did not originally participate) because the proceeding covers many articles other than poles and because it is not necessary. If and when Koppers desires to present evidence at a public hearing in support of the modifications in minimum rates it proposes, it may file an appropriate petition in Case No. 5432.

IT IS ORDERED that the petition for modification of Decision No. 89029 filed by Koppers Company, Inc. on August 1, 1978, is denied.

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 FEBRUARY, 1979.

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners