

Decision No. S1063 NOV 20 1979

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 petroleum and)
petroleum products in bulk, in)
tank truck equipment statewide as)
provided in Minimum Rate Tariff)
6-B and the revisions or reissues)
thereof.)

Case No. 5436
Order Setting Hearing
No. 244

Case No. 5432
Order Setting Hearing
No. 960

Case No. 6008
Order Setting Hearing
No. 36

And Related Matters.

ORDER REOPENING PROCEEDING

By Decision No. 90354 issued on May 22, 1979, the Commission, among other things, ordered the implementation of a reregulation plan for the transportation of petroleum products in bulk and in tank truck equipment, such transportation having previously been provided in California pursuant to Minimum Rate Tariffs 2, 6-B and 13.

The California Trucking Association (CTA) filed a petition for rehearing which was denied by the Commission. Thereafter, without seeking a writ of review in the California Supreme Court, CTA filed Civil Action No. C-79-2671 in the United States District Court for the Northern District of California. In said Civil Action, CTA alleged among other things, that the Commission had violated CTA's member's right to due process of law in that the Commission had included in the evidence supporting Decision No. 90354 evidence presented by certain economists in a prior proceeding without giving

6, C. 5432, C. 6008

IA and its affected members a chance to cross examine such with
In addition, CTA alleged a due process violation in that the Com-
mission had failed to comply with its own Rule 72 of the Commission
Rules of Practice and Procedure.

On November 16, 1979, after trial of these issues, the Court
ordered an injunction to issue which would be scheduled to take effect
of Decision No. 90354, which is presently scheduled to take effect
on April 30, 1980.

The Commission is of the opinion that the proceedings in
the above-entitled matter should be reopened for the purpose
of permitting CTA to call and examine the witnesses Thomas Gale
Moore, Peter Max and Michael Conant. as CTA alleged it would have
done in its complaint in the United States District Court. CTA there
contended that it was prevented from presenting such witnesses
by the Commission's actions.

IT IS ORDERED that the proceedings in Case No. 5436, Orders
Setting Hearing No. 244, Case No. 5432, Order Setting Hearing No.
960 and Case No. 6008, Order Setting Hearing No. 36 be reopened
for the limited purpose of permitting the California Trucking
Association to call witnesses Thomas Gale Moore, Peter Max and
Michael Conant should complaince with Rule 72 of the Commis-
sion's actions.

IT IS FURTHER ORDERED that the dates contained in the ordering
of Decision No. 90354 and as modified by Decision No.
90818 be suspended pending further proceedings shall be
held at session. before such Commissioner
and Administration as may be hereafter assigned.

CORRECTION

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

CTA and its affected members a chance to cross examine such witnesses. In addition, CTA alleged a due process violation in that the Commission had failed to comply with its own Rule 72 of the Commission's Rules of Practice and Procedure.

On November 16, 1979, after trial of these issues, the Court ordered an injunction to issue which would enjoin the implementation of Decision No. 90354, which is presently scheduled to take effect on April 30, 1980.

The Commission is of the opinion that the proceedings in the above-entitled matter should be reopened for the purpose of permitting CTA to call and examine the witnesses Thomas Gale Moore, Peter Max and Michael Conant, as CTA alleged it would have done in its complaint in the United States District Court. CTA there contended that it was prevented from presenting such witnesses by the Commission's actions.

IT IS ORDERED that the proceedings in Case No. 5436, Orders Setting Hearing No. 244, Case No. 5432, Order Setting Hearing No. 960 and Case No. 6008, Order Setting Hearing No. 36 be reopened for the limited purpose of permitting the California Trucking Association to call witnesses Thomas Gale Moore, Peter Max and Michael Conant should CTA so desire.

IT IS FURTHER ORDERED that said proceedings be reopened for the purpose of permitting complaince with Rule 72 of the Commission's Rules of Practice and Procedure.

IT IS FURTHER ORDERED that the dates contained in the ordering paragraphs of Decision No. 90354 and as modified by Decision No. 90818 dated September 12, 1979 are hereby suspended pending further order of the Commission.

IT IS FURTHER ORDERED that said reopened proceedings shall be held at such times to be hereafter set, before such Commissioner and Administrative Law Judge as may be hereafter assigned.

The Executive Director shall serve a copy of this order on each of the parties to these proceedings.

The effective date of this order is the date hereof.

Dated NOV 20 1979, at San Francisco, California.

John E. Supra
President

William L. Stinson

Richard W. Howell

Clare J. Waldrip

Samuel M. French
Commissioners