

HAE/FS

Decision No. 91302 JAN 29 1980**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 or reissues)
 thereof.)

Case No. 5432
 Petition for Modification
 No. 1053
 (Filed January 8, 1980)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, the California Trucking Association requests that the Commission extend until January 31, 1981, the expiration date of Items 897 and 897.1 of MRT 2.

Petitioner states that the "Truckload Efficiency Services" rates and related provisions shown in Items 897 and 897.1 were established on an experimental basis to enable a period of shipper and carrier use and exposure to the new concept, prior to evaluating the need for further revision. The intervening period indicates that the provisions have been mutually beneficial and that other modifications may be desirable; however, additional time is needed for the parties to formalize these modifications. Relief from the long- and short-haul provisions of Sections 460 and 461.5 of the Public Utilities Code is also sought.

Currently, the Commission has before it Petition 1036 in Case 5432, for the purpose of considering certain modifications to the Truckload Efficiency Service rates and other items. Hearings have already been held in this matter and further adjourned hearings are set for January 23, 1980. However, as the parties move to formalize these and other possible modifications, it is necessary that the current provisions remain in effect pending final Commission disposition of Petition 1036.

The petition was listed on the Commission's Daily Calendar of January 10, 1980. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted to the extent set forth in the ensuing order and that to prevent expiration of these rates the effective date of this order should be the date hereof.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D of Decision 31606, as amended) is further amended by incorporating therein, to become effective February 1, 1980, Second Revised Page 66-N-63, Third Revised Page 66-N-64, Second Revised Page 66-N-65 and Second Revised Page 66-N-66.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision 31606, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.
3. Tariff publications authorized to be made by common carriers as a result of this order may be effective not earlier than February 1, 1980, and may be made effective on not less than two days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.
4. Common carriers, in establishing and maintaining the amendments authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations

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are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

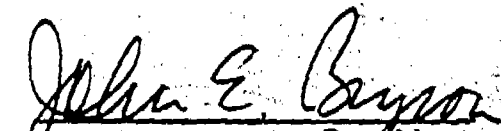
5. In all other respects, Decision 31606, as amended, shall remain in full force and effect.

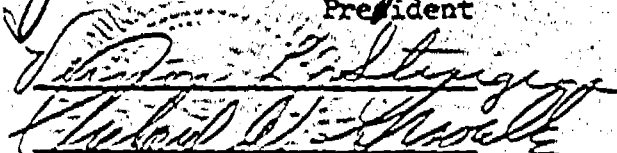
6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 2.

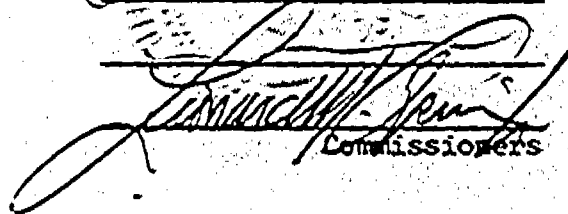
7. The Executive Director shall serve a copy of each of the tariff amendments on each subscriber to Minimum Rate Tariff 2.

The effective date of this order is the date hereof.

Dated JAN 29 1980, at San Francisco, California.



President


Richard D. Stovall


Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.