

ORIGINAL

Decision No. 92033 JUL 15 1970

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Investigation on the Commission's own Motion to establish requirements to be met by applicants for highway carrier authority issued by the Commission.

Case No. 5432  
Petition for Modification No. 904  
(Filed June 17, 1976)

- Case No. 5433  
Petition for Modification No. 62
- Case No. 5330  
Petition for Modification No. 97
- Case No. 5436  
Petition for Modification No. 216
- Case No. 5438  
Petition for Modification No. 110
- Case No. 5439  
Petition for Modification No. 280
- Case No. 5441  
Petition for Modification No. 364
- Case No. 5603  
Petition for Modification No. 192
- Case No. 5604  
Petition for Modification No. 56
- Case No. 6008  
Petition for Modification No. 34
- Case No. 7857  
Petition for Modification No. 142
- Case No. 7783  
Petition for Modification No. 140
- Case No. 8808  
Petition for Modification No. 39  
(Filed June 17, 1976)

And Related Matters.

(For list of appearances see Decision No. 91247, Case No. 10278.)

ORDER DENYING PETITIONS

The Associated Independent Owner Operators Incorporated (AI00) ✓ proposes in Case No. 5432 (Petition 904) et al., that the Commission establish divisions of revenue between prime carriers and subhaulers in connection with all transportation subject to minimum rate regulation. The subject petitions of AI00 were scheduled for hearing on a consolidated record with the Commission Order Instituting Investigation, dated March 9, 1977, in Case No. 10278.

In third interim Decision No. 91247, issued January 15, 1980, in Case No. 10278, the Commission reached the following findings relative to AI00's rate proposals in Case No. 5432 (Petition 904) et al.:

"Based on the record in this proceeding we find that: (1) the establishment of divisions of revenues are not required to protect the interests of carriers, shippers or receivers of goods; (2) it does not appear that Commission set divisions of revenue would serve any useful purpose; (3) in order to establish divisions of revenues between overlying and underlying carriers detailed comprehensive cost data would have to be developed; and (4) the Commission staff does not have the resources to adequately accumulate, compile, and present such comprehensive cost data. We will not mandate any additional divisions of revenue. Existing rules regarding divisions of revenue in MRTs 7-A, 10, 17-A and 20 are by stipulation beyond the scope of this discussion and will not be altered at this time. They will be subject to independent review in a future proceeding."

Findings of Fact issued in Decision No. 91247, supra, also provide that:

"31. Case No. 5432, Petition 904, and related petitions filed by AI00, should be denied by separate order."

By Decision No. 91836, issued May 20, 1980, petitions for rehearing involving the Case No. 5432 (Petition 904) et al. phase of this proceeding were denied. Under the circumstances,

C.5432, Pet. 904 et al. ALJ/ec

IT IS ORDERED that Petitions for Modification Nos. 904, 62, 97, 216, 110, 280, 364, 192, 56, 34, 142, 140, and 39 in Cases Nos. 5432, 5433, 5330, 5436, 5438, 5439, 5441, 5603, 5604, 6008, 7857, 7783, and 8808, respectively, are denied.

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

Dated JUL 15 1980, at San Francisco, California.

John E. Bryan  
President  
Harold L. Sturgeon  
Robert D. Howell  
Clair T. Davis  
Samuel M. Jones  
Commissioners