

ORIGINAL

Decision No. 92049 JUL 15 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
 motion into the regulation of employ-
 ment practices of PACIFIC TELEPHONE
 AND TELEGRAPH COMPANY, PACIFIC GAS
 AND ELECTRIC COMPANY, GENERAL TELEPHONE
 COMPANY, SOUTHERN CALIFORNIA GAS
 COMPANY, SAN DIEGO GAS AND ELECTRIC
 COMPANY, SOUTHERN CALIFORNIA EDISON,
 CALIFORNIA WATER COMPANY, SIERRA
 PACIFIC POWER COMPANY, SOUTHERN
 PACIFIC TRANSPORTATION COMPANY,
 WESTERN PACIFIC RAILROAD COMPANY,
 THE ATCHISON, TOPEKA AND SANTA FE
 RAILWAY COMPANY, PACIFIC POWER AND
 LIGHT COMPANY, CP NATIONAL CORPORATION,
 SOUTHWEST GAS CORPORATION, CITIZENS
 UTILITIES COMPANY OF CALIFORNIA, and
 CONTINENTAL TELEPHONE COMPANY OF
 CALIFORNIA, respondents.

Case No. 10308
(Instituted April 12, 1977)

SECOND ORDER AMENDING ORDER INSTITUTING INVESTIGATION

The following order amends the order instituting investigation to delete certain utilities as respondents in this investigation.

Background

On July 3, 1980, The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) filed a motion for dismissal as respondent in the above investigation. In support of its motion Santa Fe submits that: (1) its policies and procedures for assuring equal employment opportunity and for contracting for goods and services do not fall within the intended scope of the Commission's inquiry, (2) it is not reasonable to require Santa Fe to participate fully in this investigation when its rates and services within the Commission's jurisdiction are such a miniscule part of its total operations, (3) Santa Fe was arbitrarily

joined as a respondent while other regulated carriers handling the overwhelming majority of intrastate commerce in California were not named as respondents, and (4) Santa Fe's policies and procedures for assuring equal employment opportunity and for contracting for goods and services will continue to be monitored by agencies other than this Commission if Santa Fe is dismissed as a respondent.

Discussion

The Commission's annual report for the fiscal year 1978-1979 shows 34 railroads under our jurisdiction but only 3, Southern Pacific Transportation Company, Western Pacific Railroad Company, and Santa Fe, were named respondents to this investigation. Additionally, the annual report shows 389 highway common carriers, 66 petroleum irregular route carriers, 151 cement carriers, 760 surface passenger carriers, and innumerable permit carriers under our jurisdiction, none of which were named as respondents to this investigation.

While size of operation is obviously a consideration in our designation of respondents, the more important consideration, from the standpoint of containing the scope of the investigation within workable limits, is one of function. We did not include members of the trucking industry as respondents because of their large numbers. Having excluded a large segment of the transportation industry for administrative reasons, it now appears reasonable to us to delete the three named railroads as respondents and thereby eliminate all transportation utilities from this investigation.

We emphasize that we have made this deletion solely for consistency in treatment of the transportation utilities and for ease in the administrative conduct of this investigation. We specifically reject Santa Fe's arguments that its policies and procedures do not fall within the intended scope of our inquiry

and its argument that its rates and services within our jurisdiction are such a miniscule part of its total operations that it is unreasonable to require full participation in this investigation.

IT IS ORDERED that The Atchison, Topeka and Santa Fe Railway Company, Western Pacific Railroad Company, and Southern Pacific Transportation Company are no longer respondents to this investigation.

The effective date of this order is the date hereof.

Dated JUL 15 1980 , at San Francisco, California.

John E. Byson
President
Richard D. Howell
Clare J. DeWick
Edward W. Guinness
Commissioners