

Decision No. 92074 JUL 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 sand, rock,)
gravel and related items in bulk,)
in dump truck equipment between)
points in California as provided)
in Minimum Rate Tariff 7-A and the)
revisions or reissues thereof.)

Case No. 5437
Petition for Modification
No. 295
(Filed January 16, 1978;
amended March 27, 1978)

Case No. 5432
Petition for Modification
No. 1012
(Filed January 16, 1978;
amended March 27, 1978)

And Related Matters.)

Case No. 5439
Petition for Modification
No. 322
(Filed March 27, 1978)

Case No. 5441
Petition for Modification
No. 406
(Filed January 16, 1978;
amended March 27, 1978)

- E. O. Blackman, for California Dump Truck Owners Association, petitioner.
- William R. Haerle, Attorney at Law, and Charles D. Gilbert, for California Trucking Association, protestant.
- Ralph J. Staunton, for Purchasing & Stores Department, County of Los Angeles; T. W. Anderson, for General Portland Inc.;
- J. S. Shafer, Jr., for California Carriers Association; Paul S. Henson, for Associated General Contractors of California, Inc.;
- James R. Foote, for Associated Independent Owner-Operators, Inc.; Don E. Shields, for Highway Carriers Association; and Les Calkins, for Les Calkins Trucking; interested parties.
- Donald J. Harvey, for the Commission staff.

OPINION AND ORDER

These petitions by California Dump Truck Owners Association (CDTOA) were filed in response to staff recommendations made in public hearings in Case No. 5432, Petition 884 et al. involving fundamental changes in the procedure by which general commodity freight rates are regulated. CDTOA contends that if the staff recommendations were adopted dump truck carriers would be required to file rate schedules or tariffs to cover transportation of commodities in dump trucks formerly regulated under general commodity Minimum Rate Tariffs (MRTs) 1-B, 2, 9-B, and 19. Although most commodities hauled by dump truck carriers are regulated under MRTs 7-A, 17-A, and 20, some were governed by MRTs 1-B, 2, 9-B, and 19. These petitions, if granted by the Commission, would bring the commodities hauled by dump truck carriers and formerly regulated under MRTs 1-B, 2, 9-B, and 19 under MRT 7-A, thereby allegedly eliminating the need for dump truck carriers to file schedules.

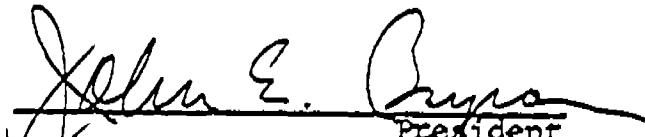
In Decision No. 90663, we canceled minimum rate regulation of general commodity transportation and substituted a regulatory system of carrier filed rates applicable only to highway common carriers (Sections 1063 and 1063.5 of the Public Utilities Code) and contract carriers (Section 3517 of the Public Utilities Code). The decision does not require dump truck carriers to file schedules. The program became effective April 30, 1980. Accordingly, we find the purpose of this petition moot and conclude that it should be dismissed.

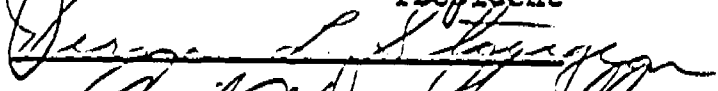
C. 5437 Pet. 295 et al. ALJ/rr/ec

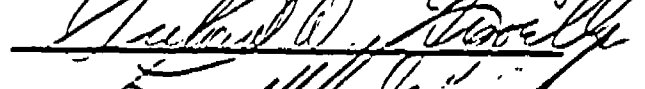
IT IS ORDERED that Petitions Nos. 295, 1012, 322, and 406 in Cases Nos. 5437, 5432, 5439, and 5441, respectively, are dismissed.

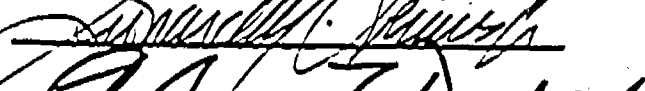
The effective date of this order shall be thirty days after the date hereof.


Dated JUL 29 1980, at San Francisco, California.



President








Commissioners