

ORIGINAL

Decision No. 92131

AUG 19 1980

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)
commodities 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. 1036
(Filed November 3, 1978)
Order Setting Hearing 1043
(Filed March 13, 1979)

(Appearances are listed in Appendix A.)

O P I N I O N

In Petition 1036 California Trucking Association (CTA) seeks to modify Section 3-B of Minimum Rate Tariff 2 (MRT 2) through consolidation of the various volume-service rate provisions contained therein. OSH 1043 ordered that hearings relating to the simplification of truckload service provisions generally, as proposed by the staff in this OSH, be held on a consolidated record with hearings on Petition 1036.

A duly noticed public hearing was held in the consolidated proceeding before Administrative Law Judge Mallory at San Francisco on March 26, May 22, and December 3, 1979 and on January 23 and 24, 1980. The matters were submitted upon the receipt of a late-filed exhibit on February 19, 1980.

Subsequent to the submission of these proceedings, MRT 2 was canceled pursuant to the Commission's reregulation plan adopted in Decision No. 90663 dated August 14, 1979 in Case No. 5432 (Petition 884) et al. In Decision No. 90663, the Commission abolished minimum rate regulation of general commodity transportation and substituted a more competitive regulatory system of carrier-filed

rates. Commission-set general commodity minimum rate tariffs, including MRT 2, were canceled April 30, 1980. Under the new regulatory program, the primary responsibility for rate-setting has been shifted from the Commission to the trucking industry. Although the Commission will no longer mandate uniform industry-wide rates or rate changes, individual carriers may increase, decrease, or simplify their rates on their own initiative, subject to Commission ^{review} oversight under new revised regulatory procedures.

SS

Since MRT 2 has been canceled, this petition should be dismissed without prejudice to any carrier that may desire to simplify, increase, or decrease rates on its own initiative under the new procedures.

O R D E R

IT IS ORDERED that Petition for Modification No. 1036 in Case No. 5432 is dismissed ^{without prejudice}, and Order Setting Hearing 1043 in Case No. 5432 is discontinued.

SS

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

Dated AUG 19 1980, at San Francisco, California.

John E. Byron
President
William L. Sturgeon

Charles J. Delle
Richard D. Gravelle
Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

LIST OF APPEARANCES

Petitioner: William R. Haerle, Attorney at Law, for California Trucking Association, Inc., petitioner in Petition 1036 and interested party in OSH 1043.

Respondents: Lee Pfister, for Willig Freight Lines; C. E. Goacher, for Di Salvo Trucking Co.; Robert E. Murray, for Trucking Unlimited; Galen Clifford, for Ventura Transfer; Edwin L. Scott, for Shamrock Truck Lines; Ron Child, for Eight Ball Line Trucking; W. E. Kunde, for Associated Transport Co., Inc.; Armand Karp, for Crescent Truck Line, Rogers Motor Express, Teresi Drayage, Inc., Walton Distribution, Inc., Chacon Trucking, Inc., D&R Transfer, J. D. Drayage Co., and Marino Bros. Truck Line, Inc.; E. J. Nelson, for Certified Freight Line; Dick Huizenga, for Dick Huizenga Trucking; Harold Culy, for Bayview Trucking, Inc.; Mary Sertie, for Sertie's Trucking; and Michael R. Eggleton, for Osterkamp Trucking, Inc.

Interested Parties: Don B. Shields and Helen Dalby, for Highway Carriers Association; Jess J. Butcher, for California Manufacturers Association; Richard O. Austin, for Domtar Gypsum America, Inc.; Lloyd E. Baumann, for Garden State Paper Company; William D. Mayer, for Cannery League of California; James W. Edmiston, for Morton Salt Division of Morton-Norwich Products, Inc.; William A. Watkins, for Bethlehem Steel Corp.; Frank O. Spellman, for himself; Vernon Hampton, for Certainteed Products; Asa Button, for Spreckels Sugar Division; Philip G. Blackmore, for California & Hawaiian Sugar Company; Arden Riess, for West Coast Freight Tariff Bureau, Inc.; John Leinweber, for Diamond Shamrock Corporation; Robert F. Schafer, for Duracell Battery Co.; William A. Taylor, for Del Monte Corp.; Robert H. Hamilton, for Davis Walker Corp.; Kenneth C. O'Brien, for Container Corporation of America; and David R. Walton, for Allumax Hill Products, Inc.

Commission Staff: John Lemke.