

C. 5437, Pet. 312 - T/DC/IE

ORIGINAL

Decision No. 92160 AUG 19 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
tion for the purpose of consid- )  
ering 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 Mini- )  
mum Rate Tariff 7-A and the )  
revisions or reissues thereof. )

Case No. 5437  
Petition for Modification  
No. 312  
(Filed June 23, 1980)

ORDER OF DISMISSAL

By this petition, Apex Bulk Commodities seeks authority to publish rates less than the rates set forth in the Commission's Minimum Rate Tariff 2 (MRT 2) for the transportation of powdered talc and limestone.<sup>1/</sup>

In Decision No. 90663, the Commission abolished minimum rate regulation of general commodity transportation and established in lieu thereof a more competitive regulatory system of carrier-filed rates. General commodity minimum rate tariffs, including MRT-2, were cancelled April 30, 1980. New procedures established in Decision No. 90663 to begin the transition to carrier-set rates became effective on the same date. Under these transition rules, no formal application is required for carriers to reduce rates. Depending upon the nature of the rate proposed, however, advance notice and a statement of justification may be required.

In summary, the transition procedures applicable to rate reductions are as follows. Transition tariffs were established and effective April 30, 1980, to serve as a threshold for rate justification requirements during the transition period. The transition

---

<sup>1/</sup> The petition was docketed in Case 5437 in error, since the talc and limestone are processed, Case 5432 governs the transportation.

C. 5437, Pet. 312 - T/IE

tariffs consist of the rates contained in general commodity minimum rate tariffs on April 30, 1980, and include any rate deviations in effect on that date. Any contract rate at or higher than the applicable rate level in the transition tariff may be filed with the Commission without justification and may be effective the date filed or such later date as may be provided by the terms of the contract. Common carrier tariff rate reductions, which result in rates at or higher than the applicable transition tariff rates, may be filed without justification, but must be filed on at least 30 days' notice except where filed to meet the charges of a motor carrier competitor. Rates lower than the lowest applicable rate in the transition tariff must be filed with a statement of justification. Such justification may consist either of a simple reference to a motor carrier competitor's rate being met, or operational, and cost data showing that the proposed rate will cover prevailing labor costs and contribute to the profitability of the filing carrier. Rates filed to meet the charges of motor carrier competitors must be accompanied by a reference to the rate being met, but may be filed without further justification and may be made effective the date filed with the Commission. Rates below both the transition tariff and the charges of competing carriers must be filed with operational and cost data showing that the proposed rate will cover prevailing labor costs and contribute to the filing carrier's profitability. All rates, below the transition tariff and charges of competing carriers, must be filed on 30 days' notice and will become effective 30 days after the date filed, absent protest. All rates will be subject to review upon the filing of a formal complaint. See Decision No. 90663 for a complete outline of the new regulatory program.


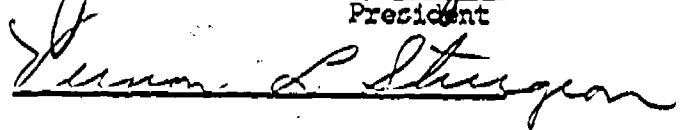
Since these transition rules require no formal application for rate reductions, this petition should be dismissed without prejudice to the filing of the proposed rates under our new procedures.

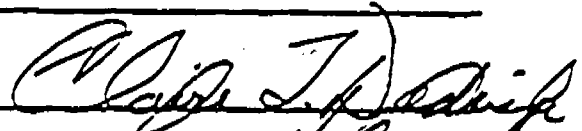
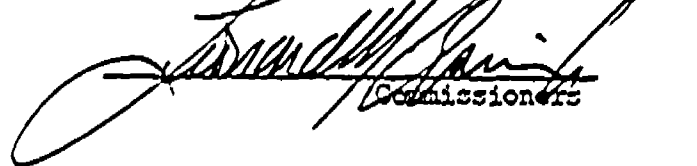
C. 5437, Pet. 312 - T/IE

IT IS ORDERED that Case 5437, Petition No. 312 is dismissed without prejudice.

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

Dated     AUG 19 1980    , at San Francisco, California.

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_

\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

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