

DEC 2 - 1988

92487

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ASBURY SYSTEM, a corporation,)
for hearing for determination of)
liability under provisions of the)
Transportation Rate Fund and)
Uniform Business License Tax.)

Application No. 58140
(Filed June 14, 1978)

ORDER RESCINDING DECISION NO. 91860

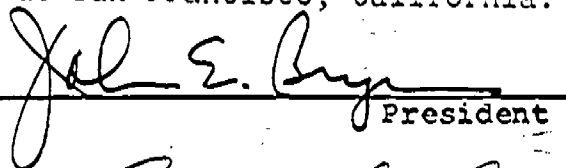
Asbury System has filed a petition which requests the Commission to set aside and rescind Decision No. 91860. The Commission has considered each and every allegation contained in said petition and is of the opinion that Decision No. 91860 should be rescinded for the reason that the facts to which the parties have stipulated establish that the property transported was destined in foreign commerce. The California Legislature has specifically provided in Public Utilities Code Section 5002 and other applicable statutes that neither the Transportation Rate Fund nor the Highway Carriers' Uniform Business Tax laws shall be applied to property the destination of which is in foreign commerce, Therefore,

IT IS ORDERED that Decision No. 91860 is rescinded; that the relief sought by Asbury System in Application No. 58140 is granted and the taxes fees and penalties claimed by the Commission's staff against Asbury System are set aside.

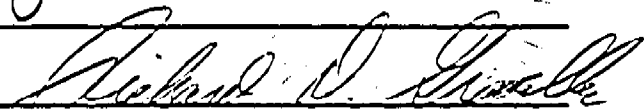
The effective date of this order is the date hereof.

Dated DEC 2 - 1988, at San Francisco, California.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.



President





Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.