

ORIGINAL

Decision 93229 JUN 16 1981

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 rock, sand, gravel)
and related items in bulk, in dump)
truck equipment in Southern California)
as provided in Minimum Rate Tariff 17-A)
and Southern California Production Area)
and Delivery Zone Directory 1, and the)
revisions or reissues thereof.)

Case 9819
Petition for Modification
44
(Filed June 11, 1980)

- James D. Martens, for California Dump Truck Owners Association, petitioner.
- J. S. Shafer, Jr., for Trucking by J. S. Shafer, respondent, and for Vernon Paving Company, protestant.
- Graham & James, by David Marchant, Attorney at Law, for California Carriers Association, protestant.
- E. O. Blackman and Russell W. Nies, for Huntmix, Inc.; Harry Phelan, for California Asphalt Pavement Association; and Herbert W. Hughes, for California Trucking Association; interested parties.
- Joseph Braman and Raymond Toohey, for the Commission staff.

ORDER OF DISMISSAL

In this petition, California Dump Truck Owners Association (petitioner) seeks amendment of the zone rates for the movement of asphalt in dump trucks set forth in Minimum Rate Tariff 17-A.

Public hearings were held in Los Angeles on November 14 and 15, 1980, at which evidence was presented by petitioner, the

Commission staff, Huntmix, Inc., and California Asphalt Pavement Association. The hearing, adjourned to February 18, 1981, was temporarily removed from the Calendar at petitioner's request.

On May 7, 1981 the Commission received a letter from petitioner's general manager, stating as follows:

"On April 25, 1981 the California Dump Truck Owners Association held its Board of Directors meeting in Fresno. It was the decision of the Association at that meeting to request the Commission to dismiss the above-captioned Petition 44 without prejudice at this time.

"CDTOA will in the future file a new Petition addressing itself to this issue."

In the circumstances, the petition will be dismissed without prejudice.

IT IS ORDERED that Petition for Modification 44 in Case 9819 is dismissed without prejudice.

This order becomes effective 30 days from today.

Dated JUN 16 1981, at San Francisco, California.

John E. Boy President
Robert M. Spivak
Samuel J. Yen
Victor Calvo
Presencia C. Yuen Commissioners