

ORIGINAL

Decision 93460

AUG 18 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
WESTERN MOTOR TARIFF BUREAU, INC.
for rate reduction from Transition
Tariff No. 2.

(I&S) Case 11002
(Filed July 3, 1981)

In the Matter of the Application of
WESTERN MOTOR TARIFF BUREAU, INC.
for rate reduction from Minimum Rate
Tariff No. 2.

(I&S) Case 11010
(Filed July 22, 1981)

Ellis Ross Anderson, Attorney at Law, for
Yandell Truckaway, Inc., petitioner in
(I&S) Case 11002.

Thomas M. Loughran, Attorney at Law, for
Gary Scannavino, doing business as
Cherokee Freight Lines, respondent in
both matters.

M. J. Nicolaus, for Western Motor Tariff
Bureau, Inc.; Dennis O'Brien, Attorney
at Law, for Atlas Freight Lines; and
John Dayak, for Amaral Trucking, Inc.;
interested parties.

Harry E. Cush, For the Commission staff.

ORDER OF DISMISSAL

(I&S) Cases 11002 and 11010, filed by Yandell Truckaway, Inc. (Yandell) and California Teamsters Public Affairs Council (Teamsters), respectively, each request suspension and investigation of Rate Reduction (RR) 448 filed June 18, 1981 by Western Motor Tariff Bureau, Inc. (WMTB) on behalf of Gary Scannavino (Scannavino) for the transportation of glassware items to be published in WMTB Tariff 111, effective July 18, 1981. RR 448 was suspended on July 15, 1981 for a period not to exceed 45 days under Resolution M-4713.

The two matters were consolidated for hearing before Administrative Law Judge (ALJ) Arthur M. Mooney in San Francisco on July 29, 1981, on which date they were submitted. At the outset of the hearing, counsel for Scammavino requested that RR 448 be dismissed. He stated that a new rate reduction request would most likely be filed on behalf of his client in the near future. He asserted that he had furnished this information to the Teamsters' attorney and was advised by the attorney that, with this development, there was no purpose for him to attend the hearing and the Teamsters' petition could be dismissed. This was confirmed by a telephone call from the Teamsters' attorney to the ALJ subsequent to the hearing. Yandell's attorney likewise agreed that with the withdrawal of RR 448, his client's petition could be dismissed.

Because the temporary suspension of RR 448 will expire August 29, 1981, the order which follows will be made effective on the date of signature.

(I&S) C.11002, 11010 ALJ/nb

IT IS ORDERED that:

1. Rate Reduction 448 is canceled.
2. (I&S) Cases 11002 and 11010 are dismissed.

This order is effective today.

Dated AUG 18 1981, at San Francisco, California.

John E. Guyon
President
Richard H. ...
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Commissioners