

Decision 93579

SEP 24 1981

ORIGINAL

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 24 47  
(Filed February 18, 1981)

In the Matter of the Investigation )  
for the purpose of considering and )  
determining minimum rates for )  
transportation of rock, sand, and )  
gravel, in bulk, in dump truck )  
equipment in Northern California )  
as provided in Minimum Rate )  
Tariff 20 and Northern California )  
Production Area and Delivery Zone )  
Directory 2, and the revisions or )  
reissues thereof. )

Case 9820  
Petition for Modification 19  
(Filed February 18, 1981)

ORDER RESCINDING DECISION 93529  
AND STAYING DECISIONS 93524 and 93525

Decisions (D.) 93524 and 93525 in these consolidated proceedings were issued September 1, 1981. They were both, in their ordering paragraphs, effective 30 days after signature. An application for rehearing on these decisions was filed by Lindeman Bros., Inc. on September 11, 1981. Thereafter, and not recognizing that application was filed, on September 15, 1981, D.93529 was issued as an Executive Director's corrective order, making the effective date of the two companion decisions (D.93524 and 93525) September 1, 1981. The effect of this series of events is that by changing the effective dates of those decisions the stay otherwise

in effect by operation of law, given the timely filing of Lindeman Bros., Inc.'s application for rehearing, is not in effect. Under PU Code Section 1733, the Commission may not modify the effective dates of decisions while an application for rehearing is pending for disposition, and the particular order is stayed by operation of law, unless and until the Commission acts on the merits of the application for rehearing. Since the application for rehearing is still being reviewed, D.93524 and 93525 are stayed until further order of the Commission. D.93529 should not have been issued since the application for rehearing was pending at that time. That order is rescinded.

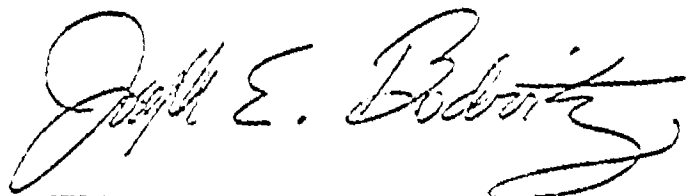
Under Resolution A-4661,

IT IS ORDERED that:

1. Decision 93529 is rescinded.
2. Decisions 93524 and 93525 are stayed until further order.

This order is effective today.

Dated SEP 24 1981, at San Francisco, California.



JOSEPH E. BODOVITZ  
Executive Director  
Public Utilities Commission  
State of California