

ORIGINAL

Decision 93761 NOV 13 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion to establish require-)
ments to be met by applicants for)
highway carrier authority issued)
by the Commission.)

Case 10278
(Filed March 9, 1977;
amended July 25, 1978)

ORDER DISCONTINUING PROCEEDING

Ordering Paragraph 9 of Decision (D.) 91247 dated January 15, 1980 stated that Case (C.) 10278 shall remain open for consideration of the remaining topics set forth in the order instituting C.10278 which have not been decided in that decision or prior decisions in C.10278. Rehearing of D.91247 was granted. D.92632, the opinion on rehearing, affirmed D.91247 with respect to Ordering Paragraph 9.

Phase I of this proceeding, concluded in D.88967 dated June 13, 1978, involved Topics 2, 3, and 4. Topic 3 also was the subject of D.89201 dated August 8, 1978. Subhauling (Phase II, Topics 5 and 6) was considered in D.91247 and 92632, supra.

The principal remaining issue is Topic 1 - the determination of public convenience and necessity as that term relates to highway common carriers, petroleum irregular route carriers, and cement carriers.

Since March 9, 1977, the filing date of C.10278, the legislature has made changes in Public Utilities (PU) Code provisions applicable to classes of carriers referred to in Topic 1. Notably, some 10,000 former radial highway common carriers have converted their operating right to that of a highway common carrier under Senate Bill 860 (PU Code § 1063.5; added Statutes of 1977,

Chapter 840; amended Statutes of 1979, Chapter 92). The classification of petroleum irregular route carrier was eliminated by Senate Bill 1886 effective January 1, 1981. Cement contract carriers were permitted to convert their operative rights to that of a cement carrier by Assembly Bill 1559 effective January 1, 1979.

We find that further investigation of the issues raised by the order instituting investigation in C.10278 is not necessary and conclude that the proceeding in C.10278 should be terminated. ✓

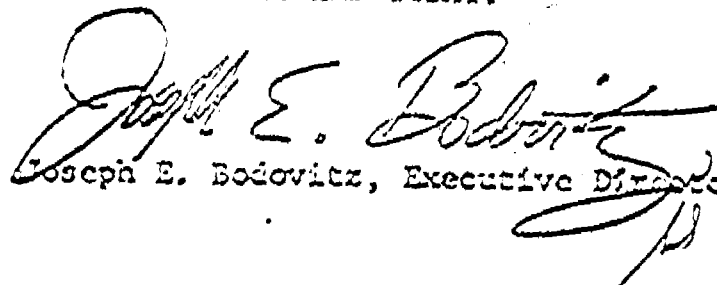
IT IS ORDERED that the proceeding in C.10278 is terminated and that proceeding is closed.

This order becomes effective 30 days from today.

Dated November 13, 1981, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director