

JUL 18 1997

Decision 97-07-049 July 16, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation)
 On the Commission's Own Motion to)
 Adopt and Issue a General Order)
 to Govern the Requirements and)
 Procedures Regarding Safety and)
 Practices for Highway Carriers)
 and Household Goods Carriers.)

I.90-12-006
(Filed December 6, 1990)

ORIGINAL

ORDER TERMINATING PROCEEDING

On December 6, 1990, the Commission instituted this investigation to determine whether the Commission should extend the requirements of Public Utilities (PU) Code §§ 1063.5 and 3553 or similar requirements to existing highway carriers and all household goods carriers.

PU Code §§ 1063.5 and 3553 require applicants to make certain safety-related showings before the Commission issues highway carriers operating authority or transfers existing authority. Section 1063.5 applies to highway common carriers and cement carriers, whereas § 3553 applies to highway permit carriers. Both statutes require nearly identical showings by new applicants or transferees.

The Commission issued Decision (D.) 92-04-052 in Order Instituting Investigation (I.) 90-12-006 which adopted General Order (GO) 162. GO 162 imposes on existing highway carriers safety requirements similar to those imposed on new carriers and transferees by PU Code §§ 1063.5 and 3553.

California Trucking Association (CTA), Ad Hoc Carriers Committee, and Frank Allegre Trucking, Inc. filed applications for rehearing of D.92-04-052. Since CTA's application was filed on May 12, 1992, 10 days before the May 22, 1992 effective date of the decision, the decision was suspended pursuant to PU Code § 1733(a).

On June 26, 1992, CTA filed an amendment to its application which asked the Commission to extend the stay so that the industry and the Commission's Transportation Division¹ could have an opportunity to reach a settlement without further adversarial procedures. D.92-07-028 extended the stay until further order of the Commission.

While PU Code §§ 1063.5 and 3553 were applicable to highway common carriers and highway permit carriers, the Commission by D.90-12-091 and D.91-04-030 extended PU Code § 3553 entry requirements to household goods carriers.²

The California Legislature through enactment of Assembly Bill 1683 has repealed both §§ 1603.5 and 3553 of the PU Code. Accordingly, it will be pointless to adopt GO 162 since it relies on requirements of sections of the PU Code which no longer exist. We will not adopt GO 162 and close the proceeding in I.90-12-006.

Further, since we are not adopting GO 162, the applications for rehearing of D.92-04-052 are moot and should be dismissed.

¹ The functions of the Transportation Division have been transferred to other divisions and the Transportation Division no longer exists.

² Those decisions were issued in I.89-11-003. Therefore, this proceeding is not the appropriate place to reconsider that action in light of subsequent developments.

IT IS ORDERED that:

1. The proceeding in Order Instituting Investigation 90-12-006 is terminated.
2. Applications for rehearing of Decision 92-04-052 are dismissed.

This order is effective today.

Dated July 16, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners

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The Commission issued Decision (D.) 92-04-052 in Order Instituting Investigation (I.) 90-12-006 which adopted General Order (GO) 162. GO 162 imposes on existing highway carriers safety requirements similar to those imposed on new carriers and transferees by PU Code §§ 1063.5 and 3553.

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The California Legislature through enactment of Assembly Bill 1683 has repealed both §§ 1603.5 and 3553 of the PU Code. Accordingly, it will be pointless to adopt GO 162 since it relies on requirements of sections of the PU Code which no longer exist. We will not adopt GO 162 and close the proceeding in I.90-12-006.

Further, since we are not adopting GO 162, the applications for rehearing of D.92-04-052 are moot and should be dismissed.

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