

D.98-02-107 we proposed that SB1086 be amended in order to specify that the movement of containerized used household goods is deemed to be an activity of a household goods carrier and therefore subject to the Commission's regulation under the Household Goods Carriers Act (HGCA), Cal. Pub. Util. Code Section 5101 et seq.

The Commission also proposed in D.98-02-107 that if the Legislature rejected the proposal to place the transportation of containerized household goods under the HGCA, the Commission then alternatively would recommend that SB 1086 require certain written disclosures and agreements between the carrier and the owner of the household goods. The proposed requirements are specified in Conclusion of Law 4 of D.98-02-107.

In its application for rehearing of our decision, CMSA alleges that the Commission abdicated its authority by presenting the alternative recommendations described in Conclusion of Law 4.

## II. DISCUSSION

CMSA has apparently misapprehended our decision which presents the Commission's view that SB 1086 should be amended to place the transportation of containerized household goods under the Commission's authority. Our decision strongly opposes the omission of consumer protection provisions in SB 1086. The specific recommendations of Conclusion of Law No. 4 represent a default position should the Legislature reject the Commission's first-line proposal to have such transportation regulated under the HGCA. D.98-02-107, therefore, represents the Commission's policy position consistent with its authority and consumer protection mandates.

Further, CMSA has failed to identify any legal error in D.98-02-107. Pursuant to Section 1732, an applicant seeking rehearing of a Commission

decision must specify legal error. The present application must, therefore, be denied.

**III. CONCLUSION**

**IT IS THEREFORE ORDERED** that the application of CMSA for rehearing of D.98-02-107 is denied.

This order is effective today.

Dated April 9, 1998, at San Francisco, California.

**RICHARD A. BILAS**

**President**

**P. GREGORY CONLON**

**JESSIE J. KNIGHT, JR.**

**HENRY M. DUQUE**

**JOSIAH L. NEEPER**

**Commissioners**