

**FILED****PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**09-05-08  
12:01 PM

Resolution ALJ-223  
Administrative Law Judge Division  
September 4, 2008

**RESOLUTION**

RESOLUTION ALJ-223 - Ratification of changes to preliminary determinations pursuant to Rule 7.5.

**SUMMARY**

This resolution approves the change of the preliminary determination made earlier by the Commission regarding the category of Application (A.) 08-03-005 (the application) and the need for a hearing.

**DISCUSSION**

Senate Bill (SB) 960 (Leonard, ch. 96-0856) requires, among other things, that the Commission categorize proceedings and determine the need for hearing for purposes of determining the applicable restrictions on ex parte communications and other applicable rules. The rules implementing these requirements are found, for the most part, in Articles 7 and 8 of the Commission's Rules of Practice and Procedure (Rules).

The applicant, California Moving and Storage Association (CMSA), is a trade association of persons, firms, and corporations engaged in the transportation of used household goods in California, or in other words, intrastate movers regulated by the Commission. The application asks the Commission to revise its Maximum Rate Tariff 4 (MAX 4) by eliminating Region 1 and Territories B and C, and by amending corresponding items in MAX 4, so as to streamline the tariff provisions in response to the changing demographics of California.

The application was purportedly filed pursuant to Public Utilities Code section 5191, which governs the adjustment of rates in MAX 4, and on that basis was categorized as ratesetting. Upon closer examination, however, the relief sought by the applicant is broad, and section 5191 does not appear to be well suited to addressing the issue raised by the application. Consequently, this matter is being recategorized as a quasi-legislative proceeding, which is more appropriately suited for the type of relief sought by CMSA, as the Joint Ruling of Assigned Commissioner and Assigned Administrative



**INFORMATION REGARDING SERVICE**

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a hard copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the hard copy of the filed document is current as of today's date.

Dated September 5, 2008, at San Francisco, California.

/s/ FANNIE SID

---

Fannie Sid

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Updated on 04-SEP-2008 by: AMT  
A0803005 LIST

\*\*\*\*\* PARTIES \*\*\*\*\*

Patrick S. Berdge  
Legal Division  
RM. 4300  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-1519  
psb@cpuc.ca.gov  
For: DRA

Maria L. Bondonno  
Legal Division  
RM. 4300, 505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 355-5594  
bon@cpuc.ca.gov  
For: DRA

Mark E. Hegarty  
HEGARTY LAW OFFICES  
419 MAIN STREET, SUITE 201  
PLACERVILLE CA 95667  
(530) 622-3200  
mark@hegartylaw.com  
For: California Moving and Storage Association (CMSA)

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

Robert Lehman  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2245  
leh@cpuc.ca.gov

Lynn A. Maack  
Division of Ratepayer Advocates  
AREA 4-B  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-3113  
lam@cpuc.ca.gov

Victor D. Ryerson  
Administrative Law Judge Division  
RM. 5044  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 355-5567  
vdr@cpuc.ca.gov

\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*

Stephen Weitekamp  
CALIFORNIA MOVING AND STORAGE ASSN.  
4281 KATELLA AVE, SUITE 205  
LOS ALAMITOS CA 90720-3567  
(714) 236-2060  
sweitekamp@thecmsa.org  
For: CALIFORNIA MOVING AND STORAGE ASSN.