

ORIGINAL

Decision No. 61148

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FRANKLIN BROS., a copartnership)
 composed of William H. Franklin and)
 Benjamin K. Franklin, for authority)
 to apply Minimum Rate Tariff No. 7)
 in the place and stead of Minimum)
 Rate Tariff No. 2 under the provi-)
 sions of the Highway Carriers' Act.)

Application No. 42830
 (As Amended)

OPINION AND ORDER

William H. Franklin and Benjamin K. Franklin, doing business as Franklin Bros., are engaged in operations as a highway contract carrier. They have negotiated a contract with Mercer-Fraser Co., Inc., and Morrison-Knudsen Co., Inc., for the transportation of large rocks to the construction sites of the north jetty and south jetty of the entrance to Humboldt Bay. The rocks, which are extremely large, will be transported from a quarry located three miles northeast of Glendale, Humboldt County, to the north jetty; and from a quarry six miles southeast of Beatrice, Humboldt County, to the south jetty. The rocks are too large to be transported in dump truck equipment. Applicants propose to haul them on flat-bed vehicles. The distance from the Beatrice quarry to the south jetty is approximately 17 miles and from the quarry above Glendale to the north jetty approximately 24 constructive miles.

Rock or stone blocks, rough quarried, when transported on flat-bed trucks are subject to the Class E rates in Minimum Rate Tariff No. 2. The Class E minimum rate for distances over 15 miles but not over 20 miles is \$2.20 per ton, minimum weight 20 tons and for over 20 but not over 25 miles is \$2.40 per ton. Applicants propose to assess \$2.00 per ton. If transported in dump truck equipment, and under the circumstances related in the application, the

movement would be subject to the material distance rates in Item 130 of Minimum Rate Tariff No. 7. The minimum rate per load would range from 82 cents per ton to \$1.02 per ton, depending upon the size of the load and the actual mileage traversed for each load.

The minimum rates in Minimum Rate Tariff No. 7 contemplate that loading will be performed by the contractor or shipper and that unloading will be performed by dumping. The rates are based upon costs which reflect only the expenses involving the driver and vehicle waiting for loading and unloading to be accomplished and do not reflect expense of any activity on the part of the driver or participation by the carrier in the loading or unloading process other than the dumping of the load. The minimum rates in Minimum Rate Tariff No. 2 contemplate that the carrier will participate in, if not be wholly responsible for, the loading and unloading.

According to applicants, the loading and unloading of the trucks will be performed by the contractors. Time of loading and unloading should be very short because the size and weight of the rocks are such that it is improbable that a load would comprise more than 4 rocks. Loads will average 40,000 pounds.

Applicants have made cost estimates of the job. The work should last about one year. Barring unusual circumstances or conditions, it appears that the transportation will be profitable. No one has opposed the granting of the application. Work on the job is awaiting the granting by the Commission of the authority sought. Applicants have requested that the Commission authorize the departure from the minimum rates to be made effective at the earliest possible moment so as to allow applicants to commence the hauling pursuant to the contract without delay. Upon consideration of all of the facts and circumstances, we are of the opinion and find that the authority sought is reasonable and should be granted and that a public hearing is not necessary; therefore,

IT IS ORDERED that William H. Franklin and Benjamin K. Franklin are authorized to transport stone, natural, blocks, pieces or slabs, rough quarried, for Mercer-Fraser Co., Inc., and Morrison-Knudsen Co., Inc., from a quarry located three miles northeast of Glendale, Humboldt County, to the north jetty of the entrance to Humboldt Bay and from a quarry located six miles southeast of Beatrice, Humboldt County, to the south jetty of the entrance to Humboldt Bay using flat-bed equipment in lieu of dump truck equipment at rates and charges no lower in volume or effect than the rates and charges provided in Item 130 of Minimum Rate Tariff No. 7, including all surcharges applicable thereto and reissues thereof prevailing at the time of shipment.

IT IS FURTHER ORDERED that the authority granted above shall expire December 31, 1962, unless sooner canceled, modified or extended by order of the Commission.

The effective date of this order shall be ten days after the date hereof.

Dated at San Francisco, California, this 6th day of December, 1960.

Ernest R. Borge
President
W. L. Mitchell
W. L. Mitchell
W. L. Mitchell
W. L. Mitchell
Theodore H. Jenner
Commissioners