

ORIGINAL

Decision No. 69178

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
M. G. Marinelli, doing business as)
M & L TRUCKING COMPANY for authority)
to reduce the minimum yearly tonnage)
requirement for the transportation)
of iron or steel castings moving)
within and between Alameda, Albany,)
Berkeley, Emeryville, Oakland.)

Application No. 47379
(Filed March 3, 1965)

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relating)
to the transportation of property)
in the City and County of San)
Francisco, and the Counties of)
Alameda, Contra Costa, Lake, Marin,)
Mendocino, Monterey, Napa, San)
Benito, San Mateo, Santa Clara,)
Santa Cruz, Seleno and Sonoma.)

Case No. 5441
Petition for Modification
No. 87
(Filed March 3, 1965)

OPINION AND ORDER

M. G. Marinelli, doing business as M & L Trucking Company, hereinafter called applicant, is authorized to operate as a highway common carrier of general commodities between all points in San Francisco Territory and also certain points in Contra Costa County.¹ By the above application and petition, applicant seeks authority to publish less-than-minimum rates as a highway common carrier for the transportation of iron or steel castings between Alameda, Albany, Berkeley, Emeryville and Oakland² and to assess the same less-than-minimum rates as a city carrier for the transportation of the same

¹ Applicant is also authorized to operate as a radial highway common carrier, highway contract carrier, and city carrier under permits issued by this Commission.

² Applicant is a participating carrier in Pacific Motor Tariff Bureau, Inc., Local Freight Tariff No. 6-F, Cal.P.U.C. No. 5, of Leland C. Smith, Agent. The tariff provisions in question are published in Item No. 2040 of that tariff.

commodity between points within the above cities. The proposed rates differ from the minimum rates set forth in Minimum Rate Tariff No. 1-B to the extent that they are subject to a minimum of 1,000 tons per year instead of 1,500 tons per year.

Applicant states that the minimum rate tariff provisions in question were established by the Commission prior to 1950; that similar provisions were published in his tariff at that time, and that the provisions have remained in effect continuously ever since. It is alleged that the producers of castings utilizing the tariff rates involved were able, until recently, to ship quantities in excess of the required 1,500 tons, but that the tonnage prospects for 1965 indicate they may be unable to meet this minimum tonnage requirement. Applicant further alleges this situation has recently developed due to the fact that several users of these castings have moved their plants to locations outside of the five East Bay cities within and between which these rates now apply. This relocation of plants by users of castings has resulted in a considerable reduction in the volume of traffic being handled by applicant.

The application shows, by means of a rate comparison, that the cost to shippers of castings would be increased by approximately 25 percent if they were required to pay charges based on the applicable class rates in lieu of the lower commodity rates based on a minimum of 1,500 tons per year. Applicant asserts that he has had a long and profitable experience in handling this traffic and that this difference in rates would cause one of the larger producers of castings to consider the purchase and use of its own vehicles to transport such castings.

The certificate of service shows that a copy of the joint application and petition was mailed to California Trucking Association on March 3, 1965. No objection to the granting of this application and petition has been received.

In the circumstances, it appears, and the Commission finds, that applicant's proposal is justified by transportation conditions, and is reasonable and consistent with the public interest. A public hearing is not necessary. The application and petition should be granted. Inasmuch as the circumstances surrounding the transportation involved herein may change at any time, the authorities granted herein will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

IT IS ORDERED that:

1. M. G. Marinelli is hereby authorized to publish and file a minimum yearly tonnage requirement of 1,000 tons to govern the rates named in Item No. 2040 of his tariff as proposed in Case No. 5441 (Petition for Modification No. 87). The tariff provision authorized herein shall be published to expire one year after the effective date of this order.

2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than ten days after the effective date hereof on not less than ten days' notice to the Commission and to the public.

3. M. G. Marinelli is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

4. M. G. Marinelli is hereby authorized, as a city carrier, to depart from the provisions of Item No. 810 of Minimum Rate Tariff No. 1-B, as proposed in Application No. 47379, by observing a minimum yearly tonnage requirement less than that applicable under the minimum rates but not less than 1,000 tons per year.

5. The authority granted in Ordering Paragraph 4 above shall expire one year after the effective date of this order unless sooner canceled, changed, or extended by order of the Commission.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 12 day of June, 1965.

Fredrick B. Helhoff
President
John E. Ratchell
George H. Trover
Augustus
William C. Bernard
Commissioners