

**ORIGINAL**

Decision No. 69413

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 SAM CLERICI, TOM C. CRAMER, FROLY F. )  
 CRUMPTON, HELEN B. ELLINGTON, JOE FLAX, )  
 ROBERT GUCK, M. E. KENYON, RUDOLPE )  
 MAYNARD, FRANK NOCETI, ARTEUR SAVANO, )  
 FERD SILVA, LLOYD TYLER, GILBERT BELEN, )  
 GERTRUDE M. FERRARA, ANDREW J. KOCKEN, )  
 ROBERT MORGAN, JAMES McCAFFERTY, BILL J. )  
 RACKLEY, EDGAR STANFUL, and YNES C. )  
 ZAVALA for authority to depart from )  
 minimum rates, rules and regulations )  
 applicable in connection with certain )  
 transportation to be performed for )  
 BASALT ROCK COMPANY, INC. )

Application No. 47627  
(Filed June 1, 1965)

OPINION AND ORDER

Each of the twenty applicants herein holds either a radial highway common carrier or a highway contract carrier permit.<sup>1</sup> With the exception of Gertrude M. Ferrera and Bill Rackley, each of the applicants has been engaged for many years in transporting building blocks for Basalt Rock Company, Inc. (Basalt), from either of its plants at Napa or French Camp to points in California.

By Decision No. 67431 dated June 23, 1964, in Case No. 5432 (Petition for Modification No. 334), each applicant, with the exception of the two named above, was authorized to transport truckload shipments of building blocks from Basalt's plant at Napa or French Camp at rates less than the established minimum rates. The current authority is scheduled to expire July 31, 1965. By this application, Gertrude M. Ferrera and Bill Rackley

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<sup>1</sup>Minor discrepancies exist between certain applicants' names as they appear in the application and as they appear in the Commission's official records. Each applicant will be referred to by the name shown in the Commission's official records.

seek authority to transport building blocks for Basalt from its plant at French Camp to points in California at rates less than the minimum rates otherwise applicable but not less than those authorized by Decision No. 67+31, supra,<sup>2</sup> and the other applicants seek an extension of their existing authorities for a further one-year period.

Gertrude M. Ferrera and Bill Rackley allege that they serve Basalt in the same manner, and experience costs predicated on the same factors, as the other applicants. All of the applicants are engaged solely in serving Basalt and they aver that the transportation circumstances recited in Decision No. 67+31, which justified the granting of the original rate authorities, have continued to exist and still exist and require that the sought authorities be granted. As indicated in that decision, favorable transportation conditions included the loading of palletized building blocks by the shipper and the waiving of any claim by the shipper for loss or damage as the result of normal handling by the carriers involved.

Revenue and expense data submitted by each applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable in the future.

The certificate of service shows that a copy of the application was mailed to California Trucking Association on June 1, 1965. No objection to the granting of the application has been received.

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<sup>2</sup>The application shows that Gertrude M. Ferrera has acquired, by court order, the business and assets of the Estate of A. B. Ferrera and that the permit formerly held by her, as administratrix of the Estate of A. B. Ferrera, has been transferred to her. Bill Rackley has purchased the business and acquired, through transfer, the permit formerly held by Melvin McCafferty.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable for the transportation to be performed by each of the applicants named herein. A public hearing is not necessary. The application should be granted.

IT IS ORDERED that:

1. Sam Clerici, Tom E. Cramer, Frolly F. Crumpton, Helen B. Ellington, Joe I. Flax, Robert E. Guck, Marie E. Kenyon, Rudolph Maynard, Frank A. Noceti, Arthur H. Savano, Ferd E. Silva and Lloyd M. Tyler are hereby authorized to transport building blocks in truckload shipments for Basalt Rock Company, Inc., from the latter's plant at Napa to points and places in California at rates less than the established minimum rates but not less than those set forth in, and subject to the conditions specified in, Appendix A attached hereto and by this reference made a part hereof.

2. Gilbert J. Behlen, Gertrude M. Ferrera, Andrew J. Kooker, Robert Morgan, James O. McCafferty, Bill Rackley, Edgar Stanful and Ynes C. Zavala are hereby authorized to transport building blocks in truckload shipments for Basalt Rock Company, Inc., from the latter's plant at French Camp to points and places in California at rates less than the established minimum rates but not less than those set forth in, and subject to the conditions specified in, said Appendix A.

3. The authorities granted herein to Gertrude M. Ferrera and Bill Rackley shall expire with July 31, 1966, unless sooner modified, canceled or extended by order of the Commission.

4. Except as provided in Ordering Paragraph 3 hereof, the authorities granted herein shall supersede on and after July 31, 1965, the authorities granted by Decision No. 67431 and shall expire with July 31, 1966.

This order shall become effective July 31, 1965.

Dated at San Francisco, California, this 15<sup>th</sup> day of July, 1965.

Frederick B. Hallock  
President  
George E. Crow  
Augusta

Hallam W. Smith  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 69413Schedule of Minimum Rates for  
the Transportation of Building Blocks  
for Basalt Rock Company, Inc.

## Section 1

Item 10 Application of Rates - General

To the extent that Minimum Rate Tariff No. 2 prescribes minimum rates for the transportation of building blocks, said minimum rates, rules and regulations are applicable to all shipments except as specifically provided in Section 2.

## Section 2

Item 20 Application of Rates - Commodity

Rates in this section apply to the transportation of building blocks as described in Item No. 32040 of National Motor Freight Classification A-8.

Item 30 Application of Rates - Territory

Rates in this section apply only between the plants of Basalt Rock Company at Napa and at French Camp, on the one hand, and points and places in California, on the other hand.

Item 40 Surcharges

Rates in this section are subject to the provisions set forth in Supplement No. 63, or any reissue thereof, to Minimum Rate Tariff No. 2.

Item 50 Rates in Cents Per 100 Pounds  
Minimum Weight 40,000 Pounds

<u>Miles</u>		<u>Rate</u>	<u>Miles</u>		<u>Rate</u>
<u>Over</u>	<u>Not Over</u>		<u>Over</u>	<u>Not Over</u>	
0	3	8-3/4	90	100	25
3	5	9-1/4	100	110	26
5	10	10	110	120	27
10	15	11	120	130	28
15	20	12	130	140	29
20	25	13	140	150	30
25	30	14	150	160	31
30	35	15	160	170	32
35	40	16	170	180	33
40	45	17	180	190	34
45	50	18	190	200	35
50	60	19	200	220	36
60	70	20	220	240	37
70	80	21	240	260	38
80	90	23	260	280	40

(Continued)

APPENDIX A TO DECISION NO. 69413Item 50 Rates in Cents Per 100 Pounds  
Minimum Weight 40,000 Pounds (Continued)

<u>Miles</u>		<u>Rate</u>	<u>Miles</u>		<u>Rate</u>
<u>Over</u>	<u>Not Over</u>		<u>Over</u>	<u>Not Over</u>	
280	300	44	1000	1050	99
300	325	46	1050	1100	102
325	350	48	1100	1150	105
350	375	50	1150	1200	108
375	400	52			
400	425	53			
425	450	55			
450	475	57			
475	500	59			
500	525	61			
525	550	63			
550	575	65			
575	600	67			
600	625	69			
625	650	71			
650	675	74			
675	700	76			
700	725	78			
725	750	80			
750	775	82			
775	800	85			
800	850	88			
850	900	90			
900	950	93			
950	1000	96			

(END OF APPENDIX A)