

**ORIGINAL**

Decision No. 70799

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 extension )  
of authority to deviate from the )  
minimum yearly tonnage requirement )  
for the transportation of iron or )  
steel castings moving within and )  
between Alameda, Albany, Berkeley, )  
Emeryville, Oakland. )

Application No. 48324  
(Filed March 18, 1966)

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, Solano and Sonoma. )

Case No. 5441  
Petition for Modification  
No. 105  
(Filed March 18, 1966)

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.<sup>1</sup> By Decision No. 69178, dated June 1, 1965, in Application No. 47379 and Case No. 5441 (Petition No. 87), applicant was granted authority, both as a highway common carrier and as a city carrier, to observe a lower yearly tonnage requirement of 1,000 tons instead of the

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

established minimum requirement of 1,500 tons per year prescribed by the Commission in connection with the transportation of iron or steel castings between Alameda, Albany, Berkeley, Emeryville and Oakland.<sup>2</sup> The volume of the rates applicable to such transportation is not involved; only the minimum tonnage requirement published in connection therewith.

The current authorities are scheduled to expire with June 21, 1966. By this joint application and petition, applicant seeks an extension of the existing authorities.

Applicant asserts that the transportation circumstances and conditions set forth in the initial application and petition, which justified the granting of the current authorities, are substantially the same now as they were at the time he originally filed for such tariff relief. Applicant alleges that there has been no appreciable change in his operations during the period in which the reduced minimum yearly tonnage requirement has been in effect. It is further alleged that a recent seven-month analysis of shipments of castings which were transported by applicant for shippers utilizing the tariff rates now applicable to this traffic, indicates the need for retention of the authorized minimum tonnage requirement of 1,000 tons per year.

The certificate of service shows that a copy of the joint application and petition was mailed to California Trucking Association on March 18, 1966. The application and petition were listed on the Commission's Daily Calendar of March 21, 1966. No objection to the granting of this application and petition has been received.

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<sup>2</sup> 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. The minimum rate provisions are set forth in Item No. 810 of Minimum Rate Tariff No. 1-B.

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 Commission concludes that the application and petition should be granted. Inasmuch as the circumstances surrounding the transportation involved herein may change, the authorities granted herein will be made to expire at the end of one additional year, unless sooner canceled, changed or extended by order of the Commission.

In view of the impending expiration date of the current authorities and the time required for tariff notification, the order which follows will be made effective June 16, 1966.

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. 105). The tariff provision authorized herein shall be published to expire with June 21, 1967.

2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than five days after the effective date hereof on not less than five 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. 48324, 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 authorities granted in Ordering Paragraphs 1 and 4 above shall, on and after June 21, 1966, supersede the authorities granted by Decision No. 69178 and shall expire with June 21, 1967.

This order shall become effective June 16, 1966.

Dated at San Francisco, California, this 1st day of June, 1966.

Frederick B. Holhoff  
President  
George E. Trover  
Augustus  
Commissioners

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

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.