

ORIGINALDecision No. 71134

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 OWL TRUCK COMPANY, a corporation,)
 for an order authorizing it to)
 deviate from certain minimum rate)
 tariffs.)

Application No. 48557
 (Filed June 16, 1966)

O P I N I O N

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits. By this application it seeks authority, as a highway permit and city carrier to depart from the units of measurement provisions of Minimum Rate Tariff No. 2 (statewide general commodities), Minimum Rate Tariff No. 5 (Los Angeles drayage), Minimum Rate Tariff No. 9-B (San Diego drayage), Minimum Rate Tariff No. 1-B (East Bay drayage) and City Carriers' Tariff No. 1-A (San Francisco drayage) with respect to the following traffic:

1. Commodities, the transportation of which, because of size or weight, require the use of special equipment, and commodities not of unusual size or weight when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment.

2. Pipe and tubing, and pipe and tubing fittings and supplies and materials required for the installation of pipe or tubing when the transportation of such pipe or tubing fittings and supplies and materials required

for installation of pipe or tubing is incidental to the transportation of pipe or tubing.

3. The entire contents of a plant or warehouse from an old location to a new location which involves the transportation of some articles which because of their size or weight require the use of special equipment, together with all other items involved in the same move which are not of such character.

Applicant states that it engages in a transportation service requiring use of specialized equipment, often requiring rigging, millwright and heavy hauling services, and the performance of accessorial services not ordinarily encountered by carriers transporting general commodities. In certain instances, because of the nature of the work or the requirements of the shipper, it is preferable to quote and assess rates on bases different from those set forth in the minimum rate tariffs.

Applicant states that it loads, hauls, unloads and installs large transformers, and the total time will vary from job to job. These shippers often insist on a quotation of a flat sum for the job. Applicant also states that it often submits bids to pipeline contractors for hauling and unloading at trench site and stringing pipe. Applicant states that it is standard practice in the pipeline contracting business to require price quotations by the foot.

Applicant states that it is in direct competition with various other carriers performing a similar type of transportation, all of whom have been granted authority identical to that herein sought. Applicant further states that unless it has the same authority it will be in a very disadvantageous competitive position.

The application was listed on the Commission's Daily Calendar of June 17, 1966. The California Trucking Association has informed the Commission that it has no objection to the granting of the application. No protests have been received.

The Commission finds that:

1. Applicant engages in transportation of a specialized nature requiring the use of specially designed or constructed equipment and the performance of accessorial services not ordinarily encountered by carriers engaged in the transportation of general commodities.

2. In connection with the specialized transportation described in its application, applicant is required by the nature of the service or the needs of the shipper to quote and assess rates on units of measurement different from those provided in the minimum rate tariffs issued by the Commission for the transportation of general commodities.

3. Applicant proposes to assess charges no less than those applicable under minimum rates and accessorial charges established by the Commission and intends to keep such records as will show that the minimum rates have been protected in all instances.

4. The proposal by applicant to assess charges on units of measurement different from those provided in connection with the minimum rates and charges will be reasonable and in the public interest.

The Commission concludes that the application should be granted. A public hearing is not necessary. Inasmuch as conditions may change at any time, the authority granted herein will be made to expire in one year, unless sooner canceled, modified or extended.

O R D E R

IT IS ORDERED that:

1. Owl Truck Company, a corporation, is hereby authorized as a highway permit carrier and as a city carrier to quote or assess rates or accessorial charges based upon a unit of measurement different from that in which the minimum rates and charges are stated in Minimum Rate Tariff No. 2, Minimum Rate Tariff No. 5, Minimum Rate Tariff No. 9-B, Minimum Rate Tariff No. 1-B and City Carriers' Tariff No. 1-A, with respect to the following transportation services:

(a) Commodities, the transportation of which, because of size or weight, require the use of special equipment, and commodities not of unusual size or weight when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment;

(b) Pipe and tubing, and pipe and tubing fittings and supplies and materials required for the installation of pipe or tubing when the transportation of such pipe or tubing fittings and supplies and materials required for installation of pipe or tubing is incidental to the transportation of pipe or tubing;

(c) The entire contents of a plant or warehouse from an old location to a new location which involves the transportation of some articles which because of their size or weight require the use of special equipment, together with all other items involved in the same move which are not of such character.

2. The freight charges assessed under the authority granted in ordering paragraph 1 hereof shall not be less than those which would have been assessed, had the rates and accessorial charges stated in the applicable minimum rate tariff been applied.

3. Owl Truck Company shall retain and preserve copies of its freight bills, subject to the Commission's inspection, for a period of not less than three years from the dates of issuance thereof; and each such copy of its freight bills shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied and the full information necessary for accurate determination of the charges under the minimum rates.

4. The authority herein granted shall expire one year after the effective date hereof, unless sooner canceled, modified or extended by further order of the Commission.

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

Dated at San Francisco, California, this 16th day of AUGUST, 1966.

Arthur E. Mitchell
President

George T. Grover

[Signature]

William L. Beard
Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.