

**ORIGINAL**Decision No. 71504

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MORRIS DRAYING COMPANY, a corporation, for an order amending its certificate of public convenience and necessity authorizing highway common carrier service to partially exclude therefrom transportation of prefabricated structures.

Application No. 48816  
(Filed September 23, 1966)

O P I N I O N

Morris Draying Company, presently engaged as a highway common carrier in the transportation of general commodities, with certain exceptions, between all points on and within 20 miles of specified routes extending from Salinas and Kingsburg, in the south, to San Francisco and Redding, on the north, requests that its certificated authority be amended by excluding therefrom the transportation of "prefabricated buildings, assembled, partially assembled or unassembled, except when tendered to or received from water, rail or motor carrier for further transportation".

It is alleged that in 1963 Modulux, Inc. commenced manufacturing and distributing relocatable, permanent buildings that were a marked innovation over similar structures then existing; said company established and conducted its own transportation service until May 10, 1965, when applicant was asked to take over the transportation operations under a temporary 60-day contract; after the 60-day trial period, definitive rates were to be established predicated upon costs and operational studies which were to be made, and

a long-term contract would be entered into by the carrier and the chipper; hauling of the involved structures between points in California has been performed with truck-tractors and low-bed trailers and is exempt from the Commission's rate regulation under Item 40 of Minimum Rate Tariff No. 2; since the inception of applicant's operation for Modulux, Inc., many changes have been made in these structures and their manufacture, handling, transportation and assembly; these modifications and innovations have delayed establishment of definite rates and negotiation of a long-term hauling contract between the parties; the parties recently entered into a long-term contract for the involved transportation, and it is now the desire of Morris Draying Company that its certificate be amended as indicated above.

After consideration the Commission finds that the proposed exclusion would not be adverse to the public interest. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 60077 as heretofore amended is further amended by substituting Third Revised Page 3 attached hereto, and by reference made a part hereof, in place of Second Revised Page 3.
2. Within one hundred twenty days after the effective date hereof and on not less than ten days' notice to the Commission and to the public, applicant shall amend its tariffs presently on file

with the Commission to reflect the authority herein granted.

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

Dated at San Francisco, California, this 1<sup>st</sup> day of NOVEMBER, 1966.

*John J. Mitchell*  
President  
*George J. Trover*  
*Fredrick B. Hollohoff*  
*Arvidson*  
*William W. Bennett*  
Commissioners

- (c) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine.
- (d) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.
- (e) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- (f) Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- (h) Fruits, fresh or green (not cold pack or frozen) and vegetables, fresh or green (not cold pack or frozen), including mushrooms, fresh, when the point of destination is a cannery, accumulation station, cold storage plant, precooling plant or winery.
- (i) Metal cans or can tops, bottoms or ends.
- (j) Prefabricated buildings, assembled, partially assembled or unassembled, except when tendered to or received from water, rail or motor carrier for further transportation.

End of Appendix A

Issued by California Public Utilities Commission.

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