

ORIGINAL

Decision No. 71794

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SAM CLERICI, TOM C. CRAMER,)
FROLLY F. CRUMPTON, HELEN B.)
ELLINGTON, JOE FLAX, ROBERT GUCK,)
M. E. KENYON, RUDOLPH MAYNARD,)
FRANK NOCETI, ARTHUR SAVANO,)
FERD SILVA, LLOYD TYLER, GILBERT)
BEHLEN, GERTRUDE M. FERRARA,)
ANDREW J. KOOKEN, JAMES)
McCAFFERTY, EDGAR STANFUL and)
YNES C. ZAVALA for authority to)
depart from minimum rates, rules)
and regulations applicable in)
connection with certain trans-)
portation to be performed for)
BASALT ROCK COMPANY, INC.)

Application No. 48533
(Petition for Modification
of Decision No. 71006 filed
November 17, 1966)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 71006, dated July 19, 1966, in the above proceeding authorized Gilbert J. Behlen (Behlen) and certain other carriers to charge less than the established minimum rates for the transportation of building blocks from the plant of Basalt Rock Company, Inc., (Basalt) at Napa or French Camp to points and places in California. The authority expires with July 31, 1967.

By Petition for Modification of Decision No. 71006 in the above proceeding, Harold B. Rohner, a highway contract carrier hereinafter referred to as petitioner, requests that he be substituted in place and stead of Behlen in this proceeding and that the relief granted to Behlen in Decision No. 71006, supra, be transferred to him.

Petitioner states that he has purchased the business and equipment of Behlen, that he serves Basalt exclusively in the same manner as his predecessor and that he experiences costs predicated on the same factors as Behlen and the other applicants in this proceeding.

Petitioner alleges that the transportation circumstances recited in Decision No. 71006, which justified the granting of the authority to Behlen and the others involved, also exist with respect to transportation services he performs for the same shipper. 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 carrier involved.

Revenue and expense data submitted by petitioner indicate the transportation has been profitable for Gilbert J. Behlen and reasonably may be expected to be profitable for petitioner in the future.

The certificate of service shows that a copy of the Petition for Modification of Decision No. 71006 was mailed to California Trucking Association on November 16, 1966. The aforementioned petition was listed on the Commission's Daily Calendar of November 18, 1966. No objection to the granting of said petition has been received.

In the circumstances, it appears, and the Commission finds, that the rates authorized by Decision No. 71006 in this proceeding are reasonable for the transportation to be performed by petitioner. A public hearing is not necessary. The Commission concludes that Petition for Modification of Decision No. 71006 should be granted.

IT IS ORDERED that:

1. Decision No. 71006, dated July 19, 1966, in Application No. 48533 is amended by substituting the following paragraph in

place and stead of Ordering Paragraph No. 2 thereof:

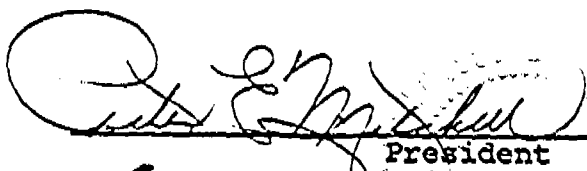
"2. Gertrude M. Ferrera, Andrew J. Kookan, James O. McCafferty, Harold B. Rohner, Edgar Stanful and Ynes C. Zavala are hereby authorized to transport building blocks in truckload shipments for Basalt Rock Company, Inc., from the latter's plant at French Camp to points and places in California at rates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

2. In all other respects, Decision No. 71006 shall remain in full force and effect.


The effective date of this order shall be the date hereof.

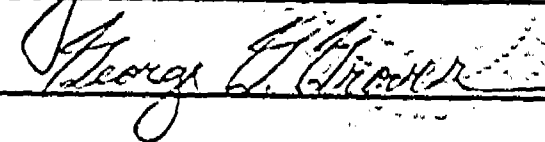
Dated at San Francisco, California, this 29th day of

DECEMBER, 1966



President





Commissioners

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

Commissioner Frederick B. Holoboff did not participate in the disposition of this proceeding.