

ORIGINAL

Decision No. 72385

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER of the Application of)	
LAMBERT CLAESSON, JACK TELESMANIC,)	
WILLIAM BAILEY, NARIO RESTANI,)	
BEN CAPURRO, and WILLIAM GRAY, under)	Application No. 49343
Sec. 3666 of the Public Utilities)	(Filed May 3, 1967)
Code, for an order permitting)	
departure from the provisions of)	
Minimum Rate Tariff No. 7.)	

INTERIM OPINION AND ORDER

Each of the six applicants herein holds a city carrier permit.¹ By this application, applicants seek authority to deviate from the Commission's minimum rates in connection with the transportation of property in dump truck equipment for the City and County of San Francisco (San Francisco) by assessing rates of \$7.18 per hour for all days except Saturdays, Sundays and holidays, \$9.43 per hour for Saturdays and \$11.69 per hour for Sundays and holidays.

Applicants state that they perform the above transportation for the Bureau of Sewer Repair and the Bureau of Street Repair of San Francisco, that they have, for many years, contracted with San Francisco for such services and that they are the only persons thus employed. Applicants allege that San Francisco will retain the present contractual arrangements with them insofar as this is economically feasible.

¹ Minor discrepancies exist between certain applicant's 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.

Applicants aver that the minimum rates, which are scheduled to become effective May 6, 1967, in connection with such transportation, depart radically from the current rates in that they do not allow for various rates for trucks with capacities under six yards.² Applicants contend that such revised rates will force San Francisco to terminate the aforementioned arrangements and purchase and operate its own trucks.

Applicants declare that their average age is fifty-eight years and that San Francisco will take over their hauling operations as they are phased out by retirement. Applicants assert that it would be extremely difficult for them to find and obtain meaningful employment because of their respective ages and request that the proposed rates be authorized to become effective May 6, 1967.

The application was listed on the Commission's Daily Calendar of May 4, 1967. A copy of the application was mailed to California Trucking Association on or about May 3, 1967. It is opposed to ex parte granting of the application.

Pending a public hearing, it appears, and the Commission finds, that the proposed rates are reasonable and consistent with the public interest. The Commission concludes that applicants should be granted interim authority for a period of 120 days, unless sooner canceled, changed or extended by order of the Commission. In view of the urgency of this matter, the order herein will be made effective May 6, 1967.

2

Decision No. 72223 dated March 28, 1967, in Case No. 5437 (Order Setting Hearing dated March 22, 1966) authorized revised rates and rules in Minimum Rate Tariff No. 7 for the statewide transportation of property in bulk in dump truck equipment.


IT IS ORDERED that:

1. Lambert Claesson, John M. Telesmanic, Condy H. Bailey, Norio J. Restani, Bennie Capurro, Jr., and William H. Gray are hereby authorized to transport property in dump truck equipment for the City and County of San Francisco within said city and county at rates less or different 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.

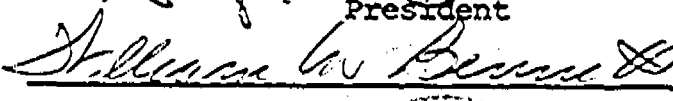
2. The authority herein granted shall expire 120 days after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

This order shall become effective May 6, 1967.

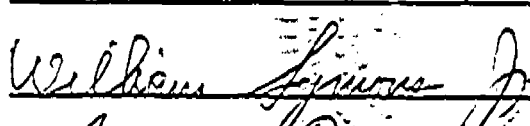
Dated at San Francisco, California, this 5th day of May, 1967.




President



Commissioner



Commissioner



Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 72385

Lambert Claesson, John M. Telesmanic, Condy H. Bailey,
Norio J. Restani, Bennie Capurro, Jr. and William H. Gray

APPLICATION OF RATES

Rates in cents per hour apply to the transportation of property in dump truck equipment, not exceeding 2 cubic yards, level capacity of dump truck body, within the City and County of San Francisco.

<u>Transportation Performed</u>	<u>Rates in Cents Per Hour</u>
A. On all days except as shown in B and C.	718
B. On Saturdays.	943
C. On Sundays and on: January 1, February 22, May 30, July 4, September 9, December 25, the day proclaimed by the President of the United States to be celebrated as Labor Day and the day so proclaimed as Thanksgiving Day.	1169

In all other respects, the rates and rules in Minimum
Rate Tariff No. 7 shall apply.