

# ORIGINAL

Decision No. 73103

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of C. W. Bundren, an )  
 individual doing business as C. W. )  
 Bundren Truck Company, a carrier )  
 as defined in Section 4015 of the )  
 Public Utilities Code and operating )  
 under the City Carrier's Act, to )  
 perform transportation services in )  
 the movement of paper, newsprint )  
 between points in the Los Angeles )  
 Drayage Area at rates less than the )  
 established minimum rates. )

Application No. 49666  
 (Filed September 11, 1967)

## OPINION AND ORDER

C. W. Bundren, an individual doing business as C. W. Bundren Truck Company (Bundren), holds highway contract carrier and city carrier permits issued by this Commission for the transportation of paper (newsprint), in rolls. By Decision No. 71217 dated August 30, 1966, in Application No. 47802,<sup>1</sup> Bundren was authorized to assess a rate of 11½ cents per 100 pounds, minimum weight 30,000 pounds per load, for the transportation of newsprint paper, in rolls, from railroad docks in Los Angeles to the newspaper printing plant as well as to a warehouse of the Times-Mirror Publishing Company (Times-Mirror) located in Los Angeles; also from said warehouse to the printing plant.<sup>2</sup> By the terms of Decision No. 71217, supra, the existing rate authority is scheduled to expire with September 19, 1967.

<sup>1</sup> Public hearing on said application was held before Examiner Abernathy at Los Angeles on September 29, 1965. Evidence was presented by applicant, by his accountant and by an engineer for applicant.

<sup>2</sup> This transportation is subject to minimum hourly rates set forth in Section 5 of Minimum Rate Tariff No. 5. In addition, Item No. 340 of Tariff No. 5 currently names a higher commodity rate of 14 cents per 100 pounds, minimum weight 20,000 pounds, for such transportation. Effective September 23, 1967, this rate will be increased to 14½ cents pursuant to the Commission's Decision No. 72942.

By this application, applicant seeks a one-year extension of the same less-than-minimum rate authority. Applicant asserts that the type and character of the property transported and the nature of the transportation services now rendered are identical to those of record in the original Application No. 47802 for such authority. Applicant declares that his sole for-hire operation is still limited to the transportation of newsprint paper, in rolls, for the account of the Times-Mirror. Applicant alleges that the results of his operations under the existing authority have shown the less-than-minimum rate of 11½ cents to be just and reasonable while providing a fair return on his investment.<sup>3</sup>

According to applicant, the matters involved in this application to continue the existing rate authority are noncontroversial and would have no adverse effect upon any other carrier. Accordingly, applicant requests prompt ex parte consideration of this application by the Commission so that there will be no lapse in the current authority.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable for the ensuing year.

Evidence of record in Application No. 47802 showed that the effect of the rate authorization would be the establishment of a rate in cents per 100 pounds which would result in charges which, for the transportation of shipments of newsprint in quantities of 30,000 pounds or more, are slightly higher than the charges which apply to

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<sup>3</sup> Applicant also transports newsprint, in rolls, at the same rate, for the aforesaid shipper between steamship wharves in Long Beach to Times-Mirror printing plant and warehouse in Los Angeles and from said warehouse to North Hollywood. As recited in Decision No. 71217, supra, applicant's costs incurred in handling such movements of newsprint, which are either interstate or exempt from rate regulation, are greater than those incurred in performing transportation under the rate authority involved herein.

the same shipments under the hourly rates. The charges which would apply per shipment under the sought rate would be more predictably certain as to amount than under the hourly rates inasmuch as charges under the hourly rates are subject to time variables which cannot be ascertained with certainty until the transportation has been actually performed.

The certificate of service shows that copies of the verified application were mailed to California Trucking Association on September 8, 1967. The application was listed on the Commission's Daily Calendar of September 12, 1967. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that a rate of  $11\frac{1}{2}$  cents per 100 pounds, minimum weight 30,000 pounds, is and will be reasonable and consistent with the public interest for the transportation by applicant of paper, newsprint, in rolls, for the account of the Times-Mirror Publishing Company. A public hearing is not necessary. The Commission concludes that the application should be granted. In order to avoid any lapse in the existing authority, the order herein will be made effective on the date hereof.

IT IS ORDERED that:

1. Subject to the provisions of Notes 1 and 2 herein, C. W. Bundren is authorized to assess a rate of  $11\frac{1}{2}$  cents per 100 pounds, minimum weight 30,000 pounds per load, for the transportation of paper (newsprint), in rolls, for the account of the Times-Mirror Publishing Company,

- a. From railroad docks located at 8th and Alameda Streets and at 2650 Washington Boulevard, Los Angeles, to the printing plant of the Times-Mirror Publishing Company in the area bounded by First and Second Streets and Spring Street and Broadway, Los Angeles;

- b. From said railroad docks to the warehouse of the Times-Mirror Publishing Company at 1361 Factory Place, Los Angeles; and
- c. From said warehouse to said printing plant.


NOTE 1. Rate includes loading of applicant's vehicle at railroad docks and unloading of said vehicles at the printing plant of Times-Mirror Publishing Company. It does not include loading and unloading of applicant's vehicles at the warehouse of Times-Mirror Publishing Company.

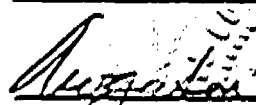
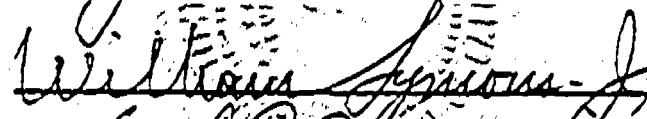
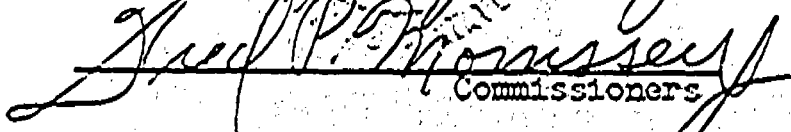
NOTE 2. Rate does not include applicant's supplying of mechanical unloading equipment for the unloading of applicant's vehicles at the warehouse and printing plant of Times-Mirror Publishing Company.

2. The authority herein granted shall, on and after September 19, 1967, supersede the authority granted by Decision No. 71217 and shall expire with September 19, 1968.

This order shall become effective September 19, 1967.

Dated at San Francisco, California, this 19<sup>th</sup> day of September, 1967.

  
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President

  
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Commissioners

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