

ORIGINALDecision No. 73675

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GIACOMAZZI BROS. TRANSPORTATION CO.,)
 for authority to deviate from the)
 provisions of MRT No. 2 on certain)
 transportation of waste lime.)

Application No. 49885
 Filed December 18, 1967

OPINION AND ORDER

Giacomazzi Bros. Transportation Co., a corporation, operates as a highway contract carrier. By Decision No. 70853, dated June 14, 1966, in Application No. 48440, it was authorized to charge a rate less than the established minimum rate for the transportation of waste lime for Spreckels Sugar Company from Spreckels to a point near Mendota. The authorized rate was 21-3/4 cents per 100 pounds, minimum weight 45,000 pounds per unit of carrier's equipment. By Decision No. 72220, dated March 27, 1967, in Application No. 49167, the authority was extended to July 1, 1967. Said authority has expired.

By this application, Giacomazzi seeks reinstatement of the authority for a period ending March 31, 1969. Applicant seeks an increased rate of 25-1/4 cents per 100 pounds.

The application states that the prior authority was allowed to expire because of difficulties in negotiating a firm labor contract. A final contract has been negotiated and labor costs now can be ascertained with certainty. Current contract provisions extend through March 31, 1969.

The application alleges that all of the conditions which justified the original establishment of the less-than-minimum rate

authority, including subsequent modifications thereof, still continue to exist, except that labor costs have increased pursuant to its current labor contract. Attached to the application is a calculation of costs of providing service as of April 1, 1968. Said development is based upon cost factors used in applicant's original cost study furnished to the Commission, adjusted to reflect increased wage costs effective April 1, 1968 and increased indirect expenses. The cost calculations indicate that transportation under the proposed rate of 25-1/4 cents will be profitable.

Applicant requests that the authority be granted without hearing. The application was served upon California Trucking Association, which advised the Commission by letter dated December 21, 1967, that it has no objection to the ex parte consideration requested. The application was listed on the Commission's daily calendar of December 19, 1967. There are no protests.

In the circumstances it appears, and the Commission finds, that the proposed rate is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Giacomazzi Bros. Transportation Co., a corporation, is authorized to transport waste lime for Spreckels Sugar Company, from that company's plant at Spreckels to its plant near Mendota at a rate less than the established minimum rate but not less than the rate set forth below, subject to the conditions hereinafter indicated:

- a. The applicable rate shall be 25-1/4 cents per 100 pounds, minimum weight 45,000 pounds per unit of equipment consisting of a tractor and two flat-rack trailers equipped with specially constructed boxes.
- b. When the total time involved in loading and unloading on any single trip exceeds two hours, the accessorial charge set forth in Item No. 145 of Minimum Rate Tariff No. 2 shall be assessed for the total time in excess of two hours.
- c. The surcharges applicable to transportation in Central Coastal Territory (Supplement No. 66 to Minimum Rate Tariff No. 2 and revisions thereof) shall not be applicable.
- d. In all other respects, the provisions of Minimum Rate Tariff No. 2 shall be applicable.

2. The authority herein granted shall expire on March 31, 1969, unless sooner canceled or extended.

The effective date shall be ten days after the date hereof.

Dated at San Francisco, California, this 30th day of JANUARY, 1968.

[Signature]
President

[Signature]

[Signature]

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Commissioner