

ORIGINAL

74209

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
M. G. Marinelli, doing business as)
M & L TRUCKING COMPANY for extension)
of authority to deviate from the)
minimum yearly tonnage requirement)
for the transportation of iron or)
steel castings moving within and)
between Alameda, Albany, Berkeley,)
Emeryville, Oakland.)

Application No. 50168
(Filed April 15, 1968)

In the matter of the investigation)
into the rates, rules, regulations,)
charges, allowances and practices of)
all common carriers, highway carriers)
and city carriers, relating to the)
transportation of property in the)
City and County of San Francisco and)
the Counties of Alameda, Contra Costa,)
Lake, Marin, Mendocino, Monterey,)
Napa, San Benito, San Mateo, Santa)
Clara, Santa Cruz, Solano and Sonoma.)

Case No. 5441
Petition for Modification
No. 139
(Filed April 15, 1968)

OPINION AND ORDER

M. G. Marinelli, doing business as M & L Trucking Company, hereinafter called applicant, is authorized to operate as a highway common carrier of general commodities between all points in San Francisco Territory and also certain points in Contra Costa County. ¹ By Decision No. 72520, dated May 31, 1967 in Application No. 49299 and Case No. 5441 (Petition No. 124), applicant was granted authority, both as a highway common carrier and as a city carrier, to observe a lower yearly tonnage requirement of 1,000 tons instead of the established minimum

¹
Applicant is also authorized to operate as a radial highway common carrier, highway contract carrier and city carrier under permits issued by this Commission.

requirement of 1,500 tons per year prescribed by the Commission in connection with the transportation of iron or steel castings² between Alameda, Albany, Berkeley, Emeryville and Oakland. The volume of the rates applicable to such transportation is not involved; only the minimum tonnage requirement published in connection therewith.

The current authorities are scheduled to expire with June 21, 1968. By this joint application and petition, applicant seeks an extension of the existing authorities.

Applicant asserts that present transportation circumstances and conditions are less favorable than those set forth in his prior application and petition which justified the granting of the current authorities. According to applicant, three large users of castings have moved to locations outside the state, and two other users are now purchasing their castings outside of the area. Applicant alleges that all indications for the coming year indicate that the continued reduction in the minimum yearly tonnage is necessary. It is further alleged that there has been no appreciable change in his operations during the period in which the reduced minimum yearly tonnage requirement has been in effect.

The certificate of service shows that a copy of the verified application and petition was mailed to California Trucking Association on April 15, 1968. The joint application and petition was listed on the Commission's Daily Calendar of

² Applicant is a participating carrier in Pacific Motor Tariff Bureau, Inc., Local Freight Tariff No. 6-F, Cal.P.U.C. No. 5, of Leland C. Smith, Agent. The tariff provisions in question are published in Item No. 2040 of that tariff. The minimum rate provisions are set forth in Item No. 810 of Minimum Rate Tariff No. 1-B.

April 16, 1968. No objection to the granting of the application and petition has been received.

In the circumstances, it appears, and the Commission finds, that applicant's proposal is justified by transportation conditions and is reasonable and consistent with the public interest. A public hearing is not necessary. The Commission concludes that the application and petition should be granted. Inasmuch as the circumstances surrounding the transportation involved herein may change, the authorities granted herein will be made to expire at the end of one additional year, unless sooner canceled, changed or extended by order of the Commission.

In view of the impending expiration date of the current authorities and the time required for tariff notification, the order which follows will be made effective June 16, 1968.

IT IS ORDERED that:

1. M. G. Marinelli is hereby authorized to publish and file a minimum yearly tonnage requirement of 1,000 tons to govern the rates named in Item No. 2040 of his tariff as proposed in Case No. 5441 (Petition for Modification No. 139). The tariff provision authorized herein shall be published to expire with June 21, 1969.

2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and to the public.

3. M. G. Marinelli is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.


4. M. G. Marinelli is hereby authorized, as a city carrier, to depart from the provisions of Item No. 810 of Minimum Rate Tariff No. 1-B, as proposed in Application No. 50168, by

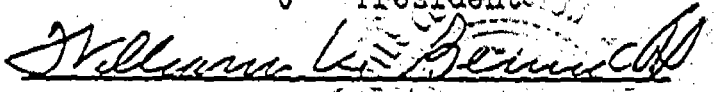
observing a minimum yearly tonnage requirement less than that applicable under the minimum rates but not less than 1,000 tons per year.

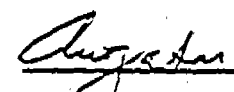
5. The authorities granted in Ordering Paragraphs 1 and 4 above shall, on and after June 21, 1968, supersede the authorities granted by Decision No. 72520 and shall expire with June 21, 1969.

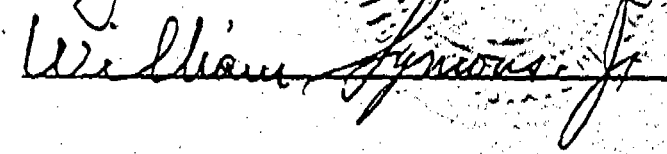
This order shall become effective June 16, 1968.

Dated at San Francisco, California, this 5th day of June, 1968.



President






Commissioners

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.