

**ORIGINAL**

Decision No. 74406

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: )  
ASBURY SYSTEM, a corporation, for ) Application No. 50298  
an Order Authorizing it to Deviate ) (Filed June 10, 1968)  
from Certain Minimum Rate Tariffs. )

OPINION AND ORDER

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 72805 dated July 25, 1967, in Application No. 49474, it was authorized to depart from the unit-of-measurement provisions of Minimum Rate Tariff No. 2 (statewide general commodities), Minimum Rate Tariff No. 5 (Los Angeles drayage) and Minimum Rate Tariff No. 9-B (San Diego drayage) with respect to the following traffic:

1. Commodities, the transportation of which, because of size or weight, require the use of special equipment, and commodities not of unusual size or weight when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment.

2. Pipe and tubing and pipe and tubing fittings and supplies and materials required for the installation of pipe or tubing when the transportation of such pipe or tubing fittings and supplies and materials required for installation of pipe or tubing is incidental to the transportation of pipe or tubing.

3. The entire contents of a plant or warehouse from an old location to a new location which involves the transportation of some articles which because of their size or weight require

the use of special equipment, together with all other items involved in the same move which are not of such character.

By this application, applicant seeks an extension of the current authority, which is scheduled to expire with August 31, 1968, for a further one-year period. Applicant states that all of the facts and circumstances which existed at the time of filing its Application No. 49474, supra, as indicated in Decision No. 72805, supra, still exist and to the best of its knowledge will continue to exist in the foreseeable future.

Applicant alleges that granting of the authority sought herein is necessary in order to enable it to remain competitive with Progressive Transportation Company, Dealers Transit, Inc., and Bigge Drayage Co., all of which have been granted authority identical to that sought herein and compete with applicant for the traffic involved.

Applicant further alleges that, pursuant to its present authority, it has assessed and, under the sought renewal thereof, will continue to assess charges no less than the applicable minimum rates and accessorial charges established by the Commission. Applicant declares that it has and will continue to keep such records as will show that the minimum rates for this transportation have been protected in all instances.

The certificate of service shows that a copy of the application was mailed to California Trucking Association on June 6, 1968. The application was listed on the Commission's Daily Calendar of June 12, 1968. No objection to the granting of this application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed deviation is reasonable and consistent with the public interest. A public hearing is not necessary.

The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Asbury System, a corporation, is hereby authorized as a highway permit carrier and as a city carrier to quote or assess rates or accessorial charges based upon a unit of measurement different from that in which the minimum rates and charges are stated in Minimum Rate Tariff No. 2, Minimum Rate Tariff No. 5 and Minimum Rate Tariff No. 9-B with respect to the following transportation services:

(a) Commodities, the transportation of which, because of size or weight, require the use of special equipment, and commodities not of unusual size or weight when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment.

(b) Pipe and tubing and pipe and tubing fittings and supplies and materials required for the installation of pipe or tubing when the transportation of such pipe or tubing fittings and supplies and materials required for installation of pipe or tubing is incidental to the transportation of pipe or tubing.

(c) The entire contents of a plant or warehouse from an old location to a new location which involves the transportation of some articles which because of their size or weight require the use of special equipment, together with all other items involved in the same move which are not of such character.

2. The freight charges assessed under the authority granted in Ordering Paragraph 1 hereof shall not be less than those which would have been assessed, had the rates and

accessorial charges stated in the applicable minimum rate tariff been applied.

3. Asbury System shall retain and preserve copies of its freight bills, subject to the Commission's inspection, for a period of not less than three years from the dates of issuance thereof; and each such copy of its freight bills shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied and the full information necessary for an accurate determination of the charges under the applicable minimum rates.

4. The authority granted herein shall, on and after August 31, 1968, supersede the authority granted by Decision No. 72805, and shall expire with August 31, 1969.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of July, 1968.

William Lyons Jr.  
President  
William B. Bunker  
Augustin  
Prof. P. Morrissey  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.