

ORIGINAL

Decision No. 74438

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| In the Matter of the Application of) | |
| OWL TRUCK COMPANY, a corporation, for) | Application No. 50258 |
| an Order Authorizing it to Deviate) | (Filed May 21, 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. 72806, dated July 25, 1967, in Application No. 49472, applicant was authorized to quote rates and assess charges on the basis of units of measurement differing from those in which the minimum rates are stated in various Commission minimum rate tariffs.¹ This authority does not allow applicant to observe lower charges than those established as minimum but permits it to deviate from the requirement that the same units of measurement be used. The current authority is scheduled to expire with September 5, 1968. By this application, Owl Truck Company seeks an extension of the current authority for a period of not less than one year.

Applicant alleges that the circumstances set forth in its original application, as amended, have continued to exist and, to the best of its knowledge, will continue to exist in the foreseeable future.

According to the original application, applicant loads, hauls, unloads and installs large transformers and the total time will vary from job to job. The shippers often insist on a

¹ The tariffs involved are: Minimum Rate Tariff No. 2 (statewide general commodities), Minimum Rate Tariff No. 5 (Los Angeles drayage), Minimum Rate Tariff No. 9-B (San Diego drayage), Minimum Rate Tariff No. 1-B (East Bay drayage) and City Carriers' Tariff No. 1-A (San Francisco drayage).

quotation of a flat sum for a job. Applicant asserts that it often submits bids to pipeline contractors for hauling and unloading at trench site and stringing pipe, and that it is standard practice in the pipeline contracting business to require price quotations by the foot.

Applicant avers that it is in direct competition with various other carriers performing a similar type of transportation, who have been granted authority identical to the one sought herein, and that the request made herein is necessary to enable it to remain competitive with these carriers.

Applicant states that, pursuant to its present authority it has assessed and, under the requested renewal thereof, will continue to assess 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 to 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 May 20, 1968. The application was listed on the Commission's Daily Calendar of May 23, 1968. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed deviation from the minimum rates 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. Owl Truck Company, 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, Minimum Rate Tariff No. 9-B, Minimum Rate Tariff No. 1-B and City Carriers' Tariff No. 1-A, 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. Owl Truck Company 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 accurate determination of the charges under the minimum rates.

4. The authority herein granted shall, on and after September 5, 1968, supersede the authority granted by Decision No. 72806 and shall expire with September 5, 1969.

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

Dated at San Francisco, California, this 23rd day of July, 1968.

William Symons, Jr.
President
John P. G. [illegible]
William L. Bennett
Paul P. Monahan
Commissioners

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