

**ORIGINAL**

Decision No. 74616

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Lambert Claesson, John M. Telesmanic, )  
Condy H. Bailey, Norio J. Restani, )  
Bennie Capurro, Jr., and William H. )  
Gray for authority to deviate from )  
the minimum rates under Section )  
4015 of the Public Utilities Code )  
for the transportation of property )  
for the City and County of San )  
Francisco within said City and County )

Application No. 50481  
(Filed August 14, 1968)

OPINION AND ORDER

Each of the six applicants herein holds a city carrier permit. By Decision No. 72902 dated August 15, 1967, in Application No. 49343, they were authorized to transport property in dump truck equipment for the City and County of San Francisco between points within said city and county at hourly rates which are less or different than those established as minimum. The current authority is scheduled to expire September 3, 1968.

By this application, applicants each seek an extension of the current rate authority, with certain modifications, for a period of one additional year. Applicants propose to modify the existing authority by increasing the rates for regular working days from \$7.18 to \$7.55 per hour, for Saturdays from \$9.43 to \$9.93 per hour and for Sundays and holidays from \$11.69 to \$12.32 per hour.

<sup>1</sup>

No authority for the proposed increases in rates is required from this Commission inasmuch as applicants perform the service as permitted carriers for which only minimum rates have been established.

Applicants allege that the increases sought herein are necessary to offset increases in operating expenses which they have experienced during the past year.

Applicants state that they transport property for the Bureau of Sewer Repair and the Bureau of Street Repair of the City and County of San Francisco and have, for many years, contracted with said city and county for such services. Applicants declare that they are the only persons thus employed and the City and County of San Francisco will retain the present contractual arrangements with them insofar as this is economically feasible if the rate relief sought herein is granted.

Applicants aver that the Commission's minimum rates do not allow for various rates for trucks with capacities under six yards and are not specifically designed for the smaller two-yard capacity dump trucks used by them in the transportation services involved herein. Applicants allege that, if they attempted to assess the Commission's minimum rates for a six-yard dump truck for services performed in the above smaller capacity dump trucks, the City and County of San Francisco would terminate its contractual arrangements with them and purchase and operate its own trucks.

Applicants state that their average age is fifty-nine years and the City and County of San Francisco will take over each of their hauling operations as each one of them is phased out by retirement. According to applicants, it would be extremely difficult for them to find and obtain other meaningful employment because of their respective ages.

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

The certificate of service shows that a copy of the verified application was mailed to California Trucking Association on August 13, 1968. The application was listed on the Commission's Daily Calendar of August 15, 1968. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the rates proposed herein are reasonable and consistent with the public interest. A public hearing is not necessary. The Commission concludes that the application should be granted.

In view of the impending expiration date of the current authority, the order which follows will be made effective September 3, 1968.

IT IS ORDERED that:

1. Lambert Claesson, John M. Telesmanic, Condy H. Bailey, Norio J. Restani, Bennie Capurro, Jr., and William H. Gray are hereby authorized to transport property in dump truck equipment for the City and County of San Francisco within said city and county at rates less or different than the established minimum rates but not less than those set forth in, and subject to the conditions specified in, Appendix A attached hereto and by this reference made a part hereof.

2. The authority granted herein shall, on and after September 3, 1968, supersede the authority granted by Decision No. 72902 and shall expire with September 3, 1969.

This order shall become effective September 3, 1968.

Dated at San Francisco, California, this 27<sup>th</sup> day of August, 1968.

William Synoux, Jr.  
President  
Paul E. Phillips  
Augustin  
John P. Manssey  
Commissioners

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

APPENDIX A TO DECISION NO. 74616

Carriers: Lambert Claesson Norio J. Restani  
John M. Telesmanic Bennie Capurro, Jr.  
Condy H. Bailey William H. Gray

APPLICATION OF RATES

Rates in cents per hour apply to the transportation of property in dump truck equipment, not exceeding 2 cubic yards, level capacity of dump truck body, within the City and County of San Francisco.

<u>Transportation Performed</u>	<u>Rates in Cents Per Hour</u>
A. On all days except as shown in B and C.	755
B. On Saturdays.	993
C. On Sundays and on: January 1, February 22, May 30, July 4, September 9, December 25, the day proclaimed by the President of the United States to be celebrated as Labor Day and the day so proclaimed as Thanksgiving Day.	1232

(End of Appendix A)