

ORIGINALDecision No. 75328

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PROGRESSIVE TRANSPORTATION COMPANY,
 a corporation, for authority to depart
 from the rates, rules and regulations
 of Minimum Rate Tariff No. 2 and
 Minimum Rate Tariff No. 5, under the
 provisions of the Highway Carriers'
 Act and the City Carriers' Act as
 authorized in Decision No. 65864 dated
 February 25, 1964 in connection with
 Application No. 45357 filed January 15,
 1964 and subsequent applications and
 decisions including Decision No. 73781
 dated February 27, 1968 in connection
 with Application No. 49940 filed
 January 11, 1968.

Application No. 50303
 (Filed January 3, 1969)

OPINION AND ORDER

Applicant holds radial highway common carrier and highway contract carrier permits.^{1/} By Decision No. 73781 dated February 27, 1968 in Application No. 49940, it 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.^{2/} This authority does not allow applicant to

-
- 1/ It is also authorized to operate as a highway common carrier of special as well as general commodities between points in California, which operations are not involved herein.
- 2/ The tariffs involved are: Minimum Rate Tariff No. 2 (statewide general commodities), Minimum Rate Tariff No. 1-B (East Bay drayage), Minimum Rate Tariff No. 5 (Los Angeles drayage), Minimum Rate Tariff No. 9-B (San Diego drayage) and Minimum Rate Tariff No. 19 (San Francisco drayage).

observe lower rates and charges than those established as minima but permits it to deviate from the requirement that the same units of measurement be used. The authority is scheduled to expire with March 24, 1969. By this application, permission is sought to extend the current authority.

Applicant states that the conditions as set forth in the original application, as amended, have not changed and are, in fact, the same at this time. Applicant further states that extension of the original authority is required to continue the services currently provided to the shippers involved.

Data submitted by applicant indicate that the freight charges for the transportation involved exceeded those otherwise applicable under the Commission's minimum rates.

Copy of the application was mailed to California Trucking Association and to interested shippers on or about January 7, 1969. The application was listed on the Commission's Daily Calendar of January 10, 1969. No objection to the granting of the application has been received.

The authority herein in issue was found by the Commission to be reasonable and in the public interest upon the basis of evidence received at a public hearing on January 27, 1964. The evidence showed that applicant engages in transportation of a specialized nature requiring the use of specially designed or constructed equipment and the performance of accessorial services not ordinarily encountered by carriers transporting general commodities. Also, applicant is required by the nature of its specialized transportation service or the needs of the shipper to quote and assess rates in units of measurement different from those provided in the Commission's minimum rate tariffs.

In the circumstances, it appears, and the Commission finds that the proposed deviation is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted. However, as the transportation conditions involved may change, the authority will be made to expire at the end of one additional year, unless sooner canceled, changed or extended by order of the Commission.

IT IS ORDERED that:

1. Progressive Transportation Company, a corporation, is hereby authorized as a highway permit 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. 1-B, Minimum Rate Tariff No. 1S, 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, 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. Progressive Transportation 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 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 March 24, 1969, supersede the authority granted by Decision No. 73781 and shall expire with March 24, 1970.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 18th day of FEBRUARY, 1969.

William L. Thomas, Jr.
President
Augustine
Fred P. Morrison
Thomas Moran
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.