

hjh

**ORIGINAL**

Decision No. 75337

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of DEALERS TRANSIT, INC., a corp-  
oration, for authority to depart  
from the rates, rules, and  
regulations of various minimum  
rate tariffs on shipments of  
unusual size or characteristics.

Application No. 50834  
(Filed January 22, 1969)

OPINION AND ORDER

Applicant holds radial highway common carrier and highway contract carrier permits. <sup>1/</sup> By Decision No. 73796 dated March 5, 1968, in Application No. 49964, 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. <sup>2/</sup> 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 authority is scheduled to expire with March 24, 1969. By this application, permission is sought to continue that authority to and including March 24, 1970.

- 
- <sup>1/</sup> It also holds certificates to operate as a highway common carrier of bulk petroleum products and as a petroleum irregular route carrier. These operating authorities are not involved herein.
- <sup>2/</sup> 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).

Applicant represents that the requirements prompting the filing of the initial application, as amended, have continued to exist and, to its knowledge and belief, will continue in the foreseeable future.

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

The certificate of service shows that copies of the application were mailed to California Trucking Association on January 21, 1969. The application was listed on the Commission's Daily Calendar of January 23, 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.

IT IS ORDERED that:

1. Dealers Transit, Inc., a corporation, is hereby authorized 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. 19, 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. Dealers Transit, Inc., 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 March 24, 1969, supersede the authority granted by Decision No. 73796 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 Spence Jr.  
President  
Augusta  
Glad P. Monussey  
William J. -  
Commissioners

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