

ORIGINALDecision No. 75421

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of MOTOR CARGO, INC., a California
 corporation, for authority to
 continue to charge less than mini-
 mum rates pursuant to Section 3666
 of the Public Utilities Code, for
 the transportation of paper for
 GARDEN STATE PAPER COMPANY, INC.

Application No. 50864
 (Filed February 6, 1969)

OPINION AND ORDER

Motor Cargo, Inc., a corporation, holds a highway contract carrier permit. By Decision No. 74722, dated September 24, 1968, in Application No. 50427, deviation authority granted to Evans Tank Line, Inc., by Decision No. 73834, dated March 12, 1968, in Application No. 49931, was transferred to applicant. Said authority authorizes applicant to deviate from the provisions of Paragraph (c) of Item No. 50, Minimum Rate Tariff No. 15, in connection with the transportation of newsprint paper and waste newsprint paper for Garden State Paper Company, Inc., between Pomona, on the one hand, and points in the San Francisco Bay area and in the Sacramento area, on the other hand, via Fresno. In all other respects, applicant assesses charges for such transportation in conformity with the rates and rules in Minimum Rate Tariff No. 15. The said authority is scheduled to expire March 22, 1969. By this application, applicant seeks an extension of the current authority for such period as the Commission may authorize.

Paragraph (c) of Item No. 50 limits the application of the yearly and monthly vehicle unit rates in Minimum Rate Tariff No. 15 to services performed within a radius of 250 air miles from the base of operations designated in the written agreement between the shipper and carrier to use said rates and further provides that written agreements to use such rates may not be combined so as to permit one-way operations in excess of the mileage limitation. The base of operations stated in the written agreement herein is Pomona. The distances between the points involved exceed 250 air miles. The deviation authority is restricted to the through movement of trailers only and provides that no tractor or driver utilized in hauling said trailers may operate in excess of 250 air miles from the location at which the tractor and driver are domiciled.

Applicant states that the conditions which justified the granting of the current authority continue to exist and that transportation under said authority is fully compensatory. Revenue and expense data furnished by applicant indicate that the transportation involved has been profitable. It may reasonably be expected to be profitable during the ensuing year.

The certificate of service shows that a copy of the application was mailed to California Trucking Association on February 4, 1969. The application was listed on the Commission's Daily Calendar of February 10, 1969. No objection to the granting of this application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed deviation, subject to the continuation of

the restriction in the current authority prohibiting the use of subhaulers, is reasonable for the transportation involved. A public hearing is not necessary. The Commission concludes that the sought authority, subject to the aforementioned subhaul restriction, should be granted for a one-year period. In view of the impending expiration date of the current authority, the order which follows will be made effective on March 22, 1969.

IT IS ORDERED that:

1. Motor Cargo, Inc., a corporation, is authorized to deviate from the provisions of Minimum Rate Tariff No. 15, to the extent specified in Appendix A, attached hereto and by this reference made a part hereof, in connection with the transportation of newsprint paper and waste newsprint paper for the Garden State Paper Company, Inc.

2. Motor Cargo, Inc., shall not engage in any subhaul operations with respect to the for-hire transportation of newsprint paper and waste newsprint paper which it performs under contract for Garden State Paper Company, Inc., as shipper, pursuant to the order herein.

3. The authority herein granted shall, on and after March 22, 1969, supersede the authority granted by Decision No. 74722 and shall expire with March 22, 1970.

The effective date of this order shall be March 22, 1969.

Dated at San Francisco, California, this 11th day of MARCH, 1969.

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

Augustine
President
Richard P. Morrissey
Thomas M. Moran
Commissioners

APPENDIX A

Motor Cargo, Inc., a corporation, is authorized to deviate from the provisions of Paragraph (c) of Item No. 50, Minimum Rate Tariff No. 15, in connection with the transportation of newsprint paper and waste newsprint paper for Garden State Paper Company, Inc., between Pomona, on the one hand, and points in the San Francisco Bay area and in the Sacramento area, on the other hand, via Fresno, as follows:

Trailers and/or semitrailers may be operated over one-way distances in excess of 250 air miles when no tractor and driver utilized in the hauling of said trailers and/or semitrailers operate in excess of 250 air miles from the base point of the tractor and driver used. When trailers and/or semitrailers are so operated, the applicable charges shall be computed on the basis of the rates in Minimum Rate Tariff No. 15 according to the type of carrier's motor power equipment and trailing equipment used.

(End of Appendix A)