

ORIGINAL

Decision No. 76266

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
ASBURY SYSTEM, a corporation, for  
an Order Authorizing it to Deviate  
from Certain Minimum Rate Tariffs.

Application No. 51330  
(Filed August 20, 1969)

OPINION AND ORDER

Applicant holds radial highway common carrier and highway contract carrier, and petroleum contract carrier permits. By Decision No. 74406, dated July 16, 1968, in Application No. 50298, it was authorized to depart from the unit-of-measurement provisions of Minimum Rate Tariff No. 2 (statewide general commodities), Minimum Rate Tariff No. 5 (Los Angeles drayage) and Minimum Rate Tariff No. 9-B (San Diego drayage) with respect to the following traffic:

1. 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.

2. 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.

3. 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.

The current authority expired August 31, 1969. By this application, authority is sought to continue to depart from unit-of-measurement provisions for the transportation service hereinbefore described for another one-year period. Applicant states that all of the facts and circumstances which existed at the time of filing its Application No. 50298, supra, as indicated in Decision No. 74406, supra, still exist and to the best of its knowledge will continue to exist in the foreseeable future.

Applicant alleges that granting of the authority sought herein is necessary in order to enable it to remain competitive with Progressive Transportation Company, Dealers Transit, Inc., and Bigge Drayage Co., all of which have been granted authority identical to that sought herein and compete with applicant for the traffic involved.

Applicant further alleges that, pursuant to its present authority, it has assessed and, under the sought renewal thereof, will continue to assess charges 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 as will 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 August 19, 1969. The application was listed on the Commission's Daily Calendar of August 21, 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 is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Asbury System, 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. 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. Asbury System 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 an accurate determination of the charges under the applicable minimum rates.

4. The authority granted herein shall expire with August 31, 1970.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 15th day of OCTOBER, 1969.

William Agnew  
President

Augustine

J. H. Williams

F. M. ...

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.