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Decision No. 76879

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BIG PINE TRUCKING COMPANY, INC., a
corporation, for authority to establish
reduced rates for certain commodities
from Laws, Keeler and Olancha to points
within the Los Angeles area, pursuant
to Section 452 of the Public Utilities
Code.

Application No. 51710
(Filed February 17, 1970)

INTERIM OPINION

Big Pine Trucking Company, Inc. (Big Pine), a corporation, operates as a highway common carrier of general commodities between the Los Angeles area and Bishop, Lone Pine, Independence, Big Pine, and points within five miles thereof.

The application states that Big Pine now maintains in Western Motor Tariff Bureau Tariff No. 111, Cal. P.U.C. No. 15, rates which are less than the established minimum rates on clay, pyrophyllite, silt (soil), soapstone, talc and sand, in bags on pallets, between Keeler, Laws and Olancha, on the one hand, and points within the Los Angeles area, on the other hand. Said rates were published to meet the less than minimum rates authorized to Western Gillette, Inc., a highway common carrier, by Decision No. 75329, dated February 18, 1969 in Case No. 5432, Petition No. 527. Said authority is scheduled to expire March 11, 1970.

The application alleges that Western Gillette was originally granted the authority to assess less than the minimum rate pursuant to Decision No. 68506, dated January 19, 1965, in Application No. 46738. Said authority has been extended on a year-to-year basis, culminating in Decision No. 75329. The application states that after Western Gillette secured the authority pursuant to Decision No. 68506, Big Pine has met the reduced rates in its published tariff.

The application further states that Big Pine recently learned that Western Gillette does not intend to seek renewal of the reduced rate authority; therefore, Big Pine seeks a continuation of the authority in its own right. Because Big Pine has only recently discovered that Western Gillette would not seek to renew its authority, Big Pine has not been able to prepare economic studies to accompany the application. Big Pine alleges, however, that the sought lower rates are necessary to its operation and will continue to be compensatory. Big Pine alleges that failure to extend the reduced rates may cause the shipper, Standard Industrial Materials, to terminate its operations entirely.

Big Pine asserts that the lower rates are essential to its operations, in that such rates help it to achieve full utilization of its equipment. Big Pine alleges that the preponderance of the traffic in the areas it serves moves northbound from the Los Angeles area to the Bishop-Lone Pine area. The latter area is not industrialized, and generates very little traffic. Big Pine asserts that any southbound traffic that can be obtained helps to balance its load factor and makes a difference between a losing operation and a profitable one.

The application was served on interested parties. Also, notice of the filing of the application appeared on the Commission's Daily Calendar of February 18, 1970. There are no protests.

In view of the circumstances alleged in the application herein, the Commission finds that the proposed rates will be reasonable, and justified by transportation conditions, pending further review following a public hearing. The Commission concludes that the present rates authorized to be assessed by Western Gillette should be authorized to Big Pine, pending said further review and the presentation of additional economic data.

INTERIM ORDER

IT IS ORDERED that:

1. Big Pine Trucking Company, a corporation, is authorized to publish and file, to expire September 11, 1970, rates less than the established minimum rates, as more particularly set forth in Appendix A, and by this reference made a part hereof.

2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than March 11, 1970, and on not less than three days' notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 3rd
day of MARCH, 1970.

William Lyons, Jr.
President

August

William L. Sturgeon

William L. Sturgeon

William L. Sturgeon
Commissioners

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Authorized Rates and Rules and Regulations
Applicable Thereto

Application of Rates - Commodities

The rates herein set forth apply for the transportation of the following commodities when packed in bags and palletized:

Clay	Soapstone
Pyrophyllite	Talc
Silt (Soil)	Sand, including Silica Sand

Rates, in cents per 100 pounds

<u>From</u>	<u>To</u>	<u>Rate</u>	<u>Minimum Weight in Pounds Per Shipment</u>
Laws	Points within the Los Angeles	# 33-1/2	40,000
Keeler	Area as described below and	ø 35-1/2	40,000
Olancho	points intermediate thereto.		

Applicable only when shipment is loaded into carrier's equipment by the consignor, and when shipment is unloaded without expense to carrier by consignee with power equipment, provided that the shipping document indicates that the shipment was loaded by consignor and is to be unloaded by consignee under conditions described in this reference. Consignee shall certify unloading in accordance with instructions.

ø Applicable only when shipment is loaded into carrier's equipment by the consignor, and when shipment is unloaded by consignee with the physical assistance of a single carrier employee (either driver or helper, subject to Note) by use of power equipment furnished by the consignee without expense to the carrier, provided the shipping document indicates that the shipment was loaded by consignor and is to be unloaded by consignee under circumstances outlined in this reference. Consignee shall certify unloading in accordance with instructions.

Note: The physical assistance to be provided by the single carrier employee shall be restricted to work within, on, or immediately adjacent to the carrier's equipment.

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Los Angeles Area: The Los Angeles Area, as so designated in connection with the rates set forth above, includes all points and places embraced by the following boundaries (includes both sides of highways named):

Beginning at the intersection of the westerly boundary of the City of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundaries of said city to its point of first intersection with the southerly boundary of the Angeles National Forest, thence along the southerly boundary of the Angeles National Forest to the point of intersection of said southerly boundary of the Angeles National Forest and the Los Angeles-San Bernardino County Line, thence in a southerly direction along said counties' boundaries and the San Bernardino-Orange County and Riverside-Orange County boundaries to the intersection of said latter counties' boundaries and U.S. Highway 91, thence generally westerly along U.S. Highway 91 to State Highway 55, thence in a generally southerly direction along State Highway 55 and its prolongation to the shore line of the Pacific Ocean, thence along the shore line of the Pacific Ocean to the point of beginning.

Shipments transported subject to the rates herein specified shall not be accorded privileges of split pickup or of split delivery.

Charges for transportation under the rates herein specified shall be assessed on gross weight of the shipment. No allowance shall be made for the weight of the bags and/or pallets.