

ORIGINAL

Decision No. 78128

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
 into the rates, rules, regulations,)
 charges, allowances and practices)
 of all common carriers, highway)
 carriers and city carriers, relating)
 to the transportation of property)
 in the City and County of San)
 Francisco and the Counties of)
 Alameda, Contra Costa, Lake, Marin,)
 Mendocino, Monterey, Napa, San)
 Benito, San Mateo, Santa Clara,)
 Santa Cruz, Solano and Sonoma.)

Case No. 5441
 Petition for Modification No. 212
 (Filed November 18, 1970)

OPINION AND ORDER

M. G. Marinelli (petitioner), doing business as M & L Trucking Company, is authorized as a highway common carrier to observe a yearly tonnage requirement of 750 tons, instead of the established minimum requirement of 1,500 tons per year prescribed in Item No. 810 of Minimum Rate Tariff I-B, for the transportation of iron or steel castings between points in Alameda, Albany, Berkeley, Emeryville and Oakland.^{1/}

The current authority, authorized by Decision No. 76329, dated October 28, 1969, is scheduled to expire December 31, 1970. Petitioner now seeks a one-year extension of this authority. The petition shows that the conditions that surrounded the granting of the previous authority still exist. A cost study attached to the petition shows that the operations herein involved have been

^{1/} Petitioner is a participating carrier in Pacific Motor Tariff Bureau, Inc., Local Freight Tariff No. 6-F, Cal. P.U.C. No. 5, of Leland C. Smith, Agent. The tariff provisions in question are published in Item No. 2040 of that tariff.

profitable and may reasonably be expected to be in the next year.

The certificate of service shows that a copy of the verified petition was mailed to the California Trucking Association on November 16, 1970. The petition was listed on the Commission's Daily Calendar of November 19, 1970. No objection to the granting of the sought relief has been received.

The Commission finds that:

1. The transportation circumstances and conditions which justified the initial granting of the authority involved have remained substantially unchanged.
2. The sought extension of time in which M. G. Marinelli, operating as a highway common carrier, may observe a lower yearly tonnage requirement of 750 tons to govern the rates named in Item 2040 of his tariff, in lieu of the minimum 1,500 tons per year prescribed in Item 810 of Minimum Rate Tariff 1-B, has been shown to be justified by transportation conditions.
3. A public hearing is not necessary.

The Commission concludes that Petition No. 212 should be granted. Since the conditions surrounding the transportation involved may change, the sought authority will be granted for a period of one year.

IT IS ORDERED that:

1. M. G. Marinelli is hereby authorized to publish and file a minimum yearly tonnage requirement of 750 tons to govern the rates named in Item No. 2040 of his tariff as proposed in Case No. 5441 (Petition for Modification No. 212). The tariff provisions authorized herein shall be published to expire with December 31, 1971.

2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than one day after the effective date hereof on not less than one day's notice to the Commission and to the public.

3. M. G. Marinelli is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 22nd day of DECEMBER, 1970.

J. P. DeBrien
Chairman
William J. ...
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Commissioners