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Decision No. 78440

ORIGINAL

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
minimum rates pursuant to Section
3666 of the Public Utilities Code,
for the transportation of paper
for GARDEN STATE PAPER COMPANY,
INC.

Application No. 52417
(Filed January 20, 1971)

OPINION AND ORDER

Motor Cargo, Inc., a corporation, holds a highway contract carrier permit. Decision No. 76939, dated March 17, 1970, in Application No. 51663, authorized applicant to deviate from the provisions of Paragraph (c) of Item No. 50, Minimum Rate Tariff 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 15. The said authority is scheduled to expire March 22, 1971. 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 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 January 19, 1971. The application was listed on the Commission's Daily Calendar of January 25, 1971. 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, 1971.

IT IS ORDERED that:

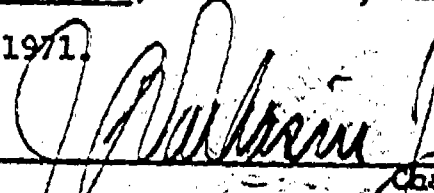
1. Motor Cargo, Inc., a corporation, is authorized to deviate from the provisions of Minimum Rate Tariff 15, to the extent specified in Appendix A, attached hereto and by this reference made a part hereof, in connection with the transportation of newsprint paper and waste newsprint paper for the Garden 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, 1971, supersede the authority granted by Decision No. 76939 and shall expire with March 22, 1972.

The effective date of this order shall be March 22, 1971.

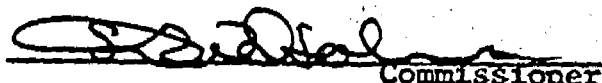
Dated at San Francisco, California, this 16th day of MARCH, 1971.



Chairman



Vernon L. Sturgeon



Commissioners

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

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)