

Decision No. 79867

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
RONALD L. DAY, doing business as )  
RONALD L. DAY TRANSPORTATION, )  
For an Order Authorizing Departure )  
from the Rates, Rules, and Regulations )  
of Minimum Rate Tariff No. 2, Pursuant )  
to Section 3666 of the Public Utilities )  
Code. )

Application No. 53189  
(Filed March 6, 1972)

INTERIM OPINION AND ORDER

Ronald L. Day, doing business as Ronald L. Day Transportation, operates as a highway permit carrier. By this application, he seeks authority to transport empty containers and shipper-owned trailer chassis for Trailmobile Division of Pullman, Inc., between Fremont, Oakland and San Francisco, at a rate of \$53.50 per trip which is less and different than the rates prescribed by the Commission. Applicant proposes to assess an additional charge of \$5.50 per trip on shipments destined to San Francisco to cover bridge tolls for crossing the San Francisco-Oakland Bay Bridge. Applicant requests interim relief in this matter pending hearing as the shipper has an urgent need for movement of its containers.

Applicant avers that each container ranges in weight approximately from 4,300 to 6,900 pounds. Applicant states that there is no specific rating for the above commodity and that the rating used is found by analogy. Applicant contends that such rating produces approximate charges of \$149 for a 4,300-pound shipment and \$206 for a 6,900-pound shipment plus applicable surcharges between the involved points.

Applicant alleges that he has spent a great deal of time and money in developing specialized equipment which is particularly suited for the movement of empty containers. Applicant declares that the equipment is constructed with permanently mounted container hold-down brackets which make it possible to carry three containers on one unit of equipment. Applicant avers that the containers are loaded and unloaded in an extremely short period of time due to the fact that the use of chains or other tie-downs is not required to secure the containers to his specialized equipment.

Applicant states that the aforementioned transportation will be performed regularly as the shipper has some 4,000 containers which are, or will be, ready for movement to San Francisco or Oakland in the near future. Applicant declares that the involved distances are short and that it is possible to make 3 trips per day in one unit of equipment. Applicant anticipates that he will be called upon to move at least 9 containers per day on an average of 4 or 5 days per week on an annual basis.

Revenue and expense data submitted by applicant for the involved transportation based on the performance of 3 trips per day indicate that the revenue and costs per day would respectively be \$160.50 and \$115.60 resulting in a net profit of \$44.90 per day.

Copy of the application was mailed to California Trucking Association and Mr. John T. Lane on or about March 2, 1972. The application was listed on the Commission's Daily Calendar of March 7, 1972. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and recommends that it be granted by ex parte order on an interim basis pending decision on evidence to be adduced at a public hearing.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, it appears, and the Commission finds, that the proposed charges are reasonable. In view of the existing conditions, the Commission concludes that applicant should be granted interim authority for a period of six months. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Ronald L. Day, doing business as Ronald L. Day Transportation, is authorized to transport empty containers and shipper-owned trailer chassis between Fremont, Oakland and San Francisco at a charge less and different than the Commission's established minimum rates and charges but not less than \$53.50 per unit of equipment per trip plus \$5.50 per trip for each shipment that is transported over the San Francisco-Oakland Bay Bridge to San Francisco.

2. The authority granted herein shall expire six months after the effective date of this order unless sooner canceled, modified or extended by order of the Commission.

3. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this application and full disposition thereof.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 28th day of March, 1972.

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Chairman  
*William J. Vukasin, Jr.*  
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*John L. Stanger*  
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Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.