

Decision No. 80538

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
M AND M TRANSFER COMPANY, a  
California corporation, for an  
order authorizing it to deviate  
from certain minimum rate tariffs.

Application No. 53496  
(Filed July 31, 1972)

OPINION AND ORDER

Applicant holds radial highway common carrier and highway contract carrier permits. By Decision No. 78999, in Application No. 52697, it was authorized to quote rates and assess charges on the basis of units of measurement differing from those in which the minimum rates are stated in various Commission minimum rate tariffs.<sup>1/</sup> This authority does not allow applicant to observe lower charges than those established as minimum but permits it to deviate from the requirement that only the tariff units of measurement be used. The authority expired on September 3, 1972. By this application, permission is sought to continue that authority for another year.

Applicant represents that the requirements prompting the filing of the initial application have continued to exist and, to its knowledge and belief, will continue in the foreseeable future.

The applicant states that the freight charges for the transportation involved exceeded those otherwise applicable under the Commission's minimum rates.

The certificate of service shows that copies of the application were mailed to California Trucking Association on July 31, 1972.

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<sup>1/</sup> The tariffs involved are: Minimum Rate Tariff 2 (statewide general commodities), Minimum Rate Tariff 1-B (East Bay drayage), Minimum Rate Tariff 9-B (San Diego drayage) and Minimum Rate Tariff 19 (San Francisco drayage).

The application was listed on the Commission's Daily Calendar of August 4, 1972. No objection to the granting of the 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. M and M Transfer Company, a corporation, is hereby authorized 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 2, Minimum Rate Tariff 1-B, Minimum Rate Tariff 19, and minimum Rate Tariff 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. M and M Transfer Company 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 a statement of the charges which would have been assessed if the minimum rates had been applied and full information necessary for accurate determination of the charges under the minimum rates.

4. The authority herein granted shall expire one year after the effective date hereof.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day of SEPTEMBER, 1972.

Vernon L. Sturgeon  
President  
William J. Hursey  
J. H. Utterm  
John P. ...  
...  
Commissioners