

Decision No. 80996**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of GUTHMILLER TRUCKING, INC., a
California corporation, for author-
ity to deviate from the provisions
of Minimum Rate Tariff No. 2 in
connection with transportation of
empty glassware bottles.

Application No. 53620
(Filed October 4, 1972;
amended October 30, 1972)

Application of BLACKBURN TRUCK
LINES, INC., a California corpora-
tion, CONTAINER EXPRESS, INC., a
California corporation, and
SCHALDACH CONTAINER CORPORATION, a
California corporation, for author-
ity to deviate from the provisions
of Minimum Rate Tariff No. 2 in
connection with transportation of
empty glassware bottles.

Application No. 53724
(Filed December 4, 1972)

INTERIM OPINION AND ORDER

These applicants are engaged in the transportation of empty glassware bottles in truckload quantities. They seek authority to charge less than the established minimum rates for the transportation of the commodities in roller-bed, van-type semitrailers between points in Los Angeles and Orange Counties, on the one hand, and points in certain counties in and about the central valley and the San Francisco Bay area, on the other hand. The rate for which they seek authorization is the established minimum rate for the transportation of the same commodities between points at railhead in flatbed, open-type semitrailers. The current minimum rate for the transportation is 63 cents per 100 pounds, minimum weight 30,000 pounds per shipment, subject to a 2-1/2 percent surcharge.

Attached to the applications are exhibits that indicate that the transportation is compensatory. It also appears from the

data set forth in the applications, and in Application No. 53557 of Guthmiller which has been withdrawn and in Application No. 52999 of Blackburn, et al., which is superseded by Application No. 53724, that the transportation involved is highly competitive and one in which the establishment of commodity rates may be a more appropriate remedy than less-than-minimum rate relief accorded under Section 3666 of the Public Utilities Code.

The situation calls for immediate relief. The applicants have made investments in roller-bed, van-type equipment for the transportation of these commodities in order to reduce unit costs of performing the service. They, and the shippers involved, subsequently learned that the minimum rate for the transportation between points at railhead of glass containers in flatbed equipment is not applicable to movements of the same commodities between the same points in roller-bed equipment. The shippers have refused to tender shipments to the carriers at the higher rates applicable to the roller-bed equipment and require the transportation to be performed on flatbed trailers because of the lower rate. It would appear from the information in the applications that the service provided in roller-bed equipment is no different from that provided in flatbed equipment.

Applicants ask that they be provided immediate interim relief pending hearing. Need for the sought interim relief has been shown.

IT IS ORDERED that pending further order in these proceedings Guthmiller Trucking, Inc., Blackburn Truck Lines, Inc., Container Express, Inc., and Schaldach Container Corporation are authorized to charge less than the established minimum rates, but not less than the rates set forth in Appendix A attached hereto, for the transportation of empty glassware bottles, NOI, other than cut, one gallon or less, between the points described in Appendix A;

and that the authority shall expire July 1, 1973, unless sooner canceled, modified, or extended by order of the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 30th day of JANUARY, 1973.

President
William Sturgeon

W. Sturgeon

W. Sturgeon

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

Guthmiller Trucking, Inc.,
Blackburn Truck Lines, Inc.,
Container Express, Inc.,
Schaldach Container Corporation

COMMODITY

Empty glassware bottles, NOI, other than cut, one gallon or less.

RATE

\$0.63 per cwt, minimum 40,000 pounds per shipment, subject to a 2-1/2 percent surcharge, except that as to shipments destined to Fresno County the minimum weight shall be 30,000 pounds.

TERRITORIAL APPLICATION

GUTHMILLER:

Between points at railhead in Los Angeles County, on the one hand, and points at railhead in the counties of Alameda, Contra Costa, Sacramento, San Francisco, San Joaquin, Santa Clara, and Solano, on the other hand.

BLACKBURN, CONTAINER AND SCHALDACH:

Between points at railhead in Los Angeles and Orange Counties, on the one hand, and points at railhead in the counties of Alameda, Contra Costa, Sacramento, San Francisco, San Joaquin, Santa Clara, Solano, and Fresno, on the other hand.