

ORIGINAL

Decision No. 81124

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Gary L. Guill and  
Michael Kobek, a co-partnership,  
dba American Pacific Van Lines to  
charge less than minimum rates in  
Minimum Rate Tariff 2 for the  
Northern Division of Broadway Hale  
Department Stores as provided in  
Section 3666 of the Public Utilities  
Code.

Application No. 53638  
(Filed October 12, 1972)

INTERIM OPINION AND ORDER

Gary L. Guill and Michael Kobek, a co-partnership dba American Pacific Van Lines, conduct highway permit and contract carrier operations. By this application, it seeks authority, on its contract permit operations, to depart from the minimum rates in Minimum Rate Tariff 2 (MRT 2) for the transportation of general commodities from the Los Angeles basin to shipper distribution warehouses located in San Francisco, Oakland, and Sacramento, California, for the northern division of Broadway Hale Department stores.

Approximately 95 percent of the shipments involved herein are rated Class 100, any quantity. Applicant proposes to assess Class 85 rates, subject to 90 percent of the minimum charge rule in MRT 2 under the following conditions: (1) each shipment will be rated separately from origin to destination; (2) split pickup and delivery rules will not apply; and (3) shipments will not be consolidated for reduced rating purposes.

Applicant states that the authority sought herein is necessary so that shipper can rely on the more efficient service that will be provided by the applicant as compared to the current practice where the shipper has been relying on vendors to select carriers.

Applicant alleges that it will provide service on a daily basis to each distribution warehouse at San Francisco, Oakland, and Sacramento. Daily volume is estimated at approximately 40,000 pounds per day.

Attached to the application as Exhibit A is a statement which shows (1) the revenue which would accrue to the applicant under the proposed rates, (2) total operating expenses, and (3) that the transportation involved may reasonably be expected to be profitable.

The verified application shows that copies were mailed to the California Trucking Association on or about October 3, 1972. The application was listed on the Commission's Daily Calendar. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and in view of the urgency of this matter the staff recommends that the application 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 the evidence which may be adduced at a public hearing, the Commission finds that the proposed rates are reasonable. The Commission concludes that applicant should be granted interim authority for a period of six months to the extent hereinafter indicated. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Gary L. Guill and Michael Kobek, a co-partnership dba American Pacific Van Lines, is authorized to depart from the minimum rates and rules set forth in Minimum Rate Tariff 2 for the transportation of general commodities from the Los Angeles basin to points in northern California as more specifically set forth in Appendix A attached hereto and by this reference made a part hereof.
2. The authority hereinabove granted 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup>  
day of MARCH, 1973.

Vernon L. Sturgeon  
President  
William J. Quinn  
Thomas Moran  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

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APPENDIX A

Carrier: Gary L. Guill and Michael Kobek, dba American Pacific Van Lines.

Shipper: Broadway Hale Department Stores, northern division.

Scope: General commodities from the Los Angeles basin to shipper distribution warehouses in San Francisco, Oakland, and Sacramento.

Conditions: Subject to Notes 1, 2, and 3.

Note 1: Rates named are subject to 90 percent of the minimum charge rule in Minimum Rate Tariff 2.

Note 2: Each shipment will be rated separately from origin to destination, and split pickup and delivery rules will not apply.

Note 3: Shipments will not be consolidated for reduced rating purposes.