

ORIGINAL

Decision No. 81616

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THOMAS J. MATTESICH,  
doing business as J. E. MATTESICH &  
SONS, for authority under Section 3666  
of the Public Utilities Code of the  
State of California to deviate from  
the minimum rates for the transporta-  
tion of plastic bath tubs and plastic  
shower bath stalls for American Standard,  
Plumbing & Heating Division.

Application No. 53759  
(Filed December 18, 1972;  
amended May 11, 1973)

INTERIM OPINION AND ORDER

Thomas J. Mattesich, doing business as J. E. Mattesich & Sons (Mattesich), operates as a radial highway common carrier and highway contract carrier. In this application, as amended, Mattesich seeks authority under Section 3666 of the Public Utilities Code to deviate from the rates in Minimum Rate Tariff 2 (MRT 2) for the transportation of plastic bath tubs and plastic shower bath stalls from the plant of American Standard, Plumbing & Heating Division, Stockton, California, to destination points located in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, and points in Kern County located more than 235 actual miles from Stockton.

The application states that the applicable minimum rates are the class rates set forth in MRT 2, based on the classification rating of Class 400 for plastic bath tubs and shower bath stalls set forth in National Motor Freight Classification A-12.

Applicant proposes to assess the Class 400 rate minimum weight 20,000 pounds on the weight of 4,500 pounds per each unit of carrier's equipment in lieu of the any quantity or 5,000 pound Class 400 rates.

The application is based upon the following facts and circumstances: Applicant performs his transportation service in units of equipment consisting of a 2-axle tractor pulling two 22-foot flat bed trailers (one unit of equipment). When loaded to lawful maximum width, length, and height, 18 bath tubs can be loaded per trailer, or a total of 36 on two trailers, weighing not more than 4,500 pounds. Where a mixed load of bath tubs and shower stalls are loaded on one unit of equipment, the weight is less than 4,500 pounds. The dimensions of bath tubs and shower stalls are as follows:

Bath Tub	- 60-1/4" x 74"	Weight - 125 pounds
Shower Stall	- 36" x 74"	" - 60 "
Shower Stall	- 48-1/4" x 74"	" - 115 "

The classification rating on plastic bath tubs, set up, and plastic shower bath stalls, set up, was increased from Class 300 to Class 400, in Supplement No. 23, bearing an effective date of March 5, 1971, to National Motor Freight Classification A-11. Such increase in rating subsequently became effective on California intrastate traffic. The application alleges that such increase in rating has brought the currently applicable minimum rates and charges so high that American Standard is threatening proprietary hauling of shipments from its Stockton plant with its own fleet of equipment. Applicant has been performing transportation service for American Standard for the past four years. It constitutes practically 80 percent of applicant's transportation service. Applicant asserts that the loss of this traffic would create a severe financial problem for him.

Transportation service will be performed on an on-call basis. Volume of movement is estimated to approximate a monthly average of 11 loads per month, with an average weight of 3,853 pounds per load.

A. 53759 lmm

The application states that favorable operating conditions exist which will permit applicant to operate at a reasonable profit under the sought rate deviation; for example, the shipper performs the entire loading operation at its plant with power equipment.

By Decision No. 80461 dated August 31, 1972 in Application No. 53490, applicant was granted authority to assess rates less than the minimum rates for the same commodities and shipper within 235 actual miles of Stockton.

Revenue and expense data submitted by applicant indicate that the transportation at the proposed rate will be profitable.

Subject to further review at a public hearing, it appears, and the Commission finds, that the proposed rate is reasonable. The Commission concludes that the application should be granted until further order of the Commission.

IT IS ORDERED that:


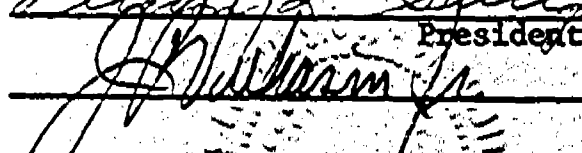


1. Thomas J. Mattesich, doing business as J. E. Mattesich & Sons, is authorized to assess the Class 400 rate minimum weight 20,000 pounds for the transportation of plastic bath tubs and plastic shower bath stalls, subject to a minimum weight of 4,500 pounds for American Standard, Plumbing & Heating Division, from that company's plant at Stockton to points located in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, and points in Kern County located more than 235 actual miles from Stockton.

2. Public hearing in this matter will be held before Examiner O'Leary at San Francisco on September 12, 1973.

3. The authority granted herein shall continue in effect until further order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th day of JULY, 1973.

  
President  
  
  
  
Commissioners

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