

Decision No. 81932

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. 54173  
(Filed July 13, 1973)

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 Minimum Rate Tariff 2, Minimum Rate Tariff 1-B, Minimum Rate Tariff 9-B and Minimum Rate Tariff 19.

The authority granted does not allow the 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 may be used.

The authority expired on September 3, 1972 but applicant filed Application No. 53496 requesting permission to continue that authority for another year. This relief was granted in Decision No. 80538, the effective date of which was September 26, 1972.

This present application requests another extension of the aforementioned authority for not less than one year. The application represents that all of the facts and circumstances which existed at the time of the filing of the aforementioned previous applications still exists, and to the best of applicant's knowledge will continue to exist in the foreseeable future. The application states that granting of the authority sought is necessary to enable applicant to remain competitive with other carriers who have been granted authority identical to that sought herein.

Service of the application was made upon the Highway Carriers' Association and the California Trucking Association. No protests were received. The Commission concludes that the application should be granted to the extent indicated in the following order. A public hearing is not necessary. In view of the impending expiration date of the current authority, the order which follows will be made effective on the date hereof.

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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day  
of SEPTEMBER, 1973.

Vernon L. Sturgeon  
President  
W. H. Sturgeon, Jr.  
William L. Sturgeon  
Alfred Sturgeon  
Commissioners