

ORIGINAL

Decision No. 82556

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MOROSA BROS. TRANSPORTATION CO., a California corporation, dba MOROSA BROS. TRANSPORTATION AND LYNN TRUCKING, to deviate from the rates as set forth in Minimum Rate Tariff No. 2 for transportation in pneumatic equipment for sand and crushed limestone, in bulk, for CONSOLIDATED FIBERGLASS PRODUCTS, INC. of Bakersfield, California, under the provisions of Section 3666 of the Public Utilities Code.

Application No. 53836
(Filed February 9, 1973;
amended February 27, 1973)

Howard E. Meyers, for applicant
A. D. Poe and R. W. Smith, Attorneys at Law,
and Herbert W. Hughes, for California
Trucking Association, interested party.
Frank M. Nyulassy, for the Commission staff.

O P I N I O N

Applicant conducts operations as a for-hire carrier pursuant to highway contract carrier, radial highway common carrier, and dump truck carrier permits. It also holds a cement carrier certificate. By this application it seeks authority to transport sand, NOI, from Interpace Company (Interpace) near Ione, California, and crushed or powdered limestone (lime rock) from Minnesota Mining and Manufacturing Company (3M Co.) near Corona, California, to Consolidated Fiberglass Products, Incorporated (Consolidated) at Bakersfield, California, at rates less than the minimum rates set forth in Minimum Rate Tariff 2. The transportation will be performed with pneumatic equipment which is unloaded by air pressure in defiance of gravity.

By interim order in Decision No. 81175 dated March 20, 1973, the relief sought was granted on an interim basis until September 20, 1973. The interim authority was extended until March 15, 1974 by Decision No. 81669 dated July 31, 1973. Decision No. 81175 also ordered that a public hearing be scheduled for the receipt of evidence. Public hearing was held on December 4, 1973 before Examiner O'Leary at Bakersfield at which time the matter was submitted.

Decision No. 81175 authorized a rate of 48 cents per hundred pounds for the transportation of sand, and a rate of 34 cents per hundred pounds for the transportation of crushed limestone as requested in the application. Both rates are subject to a minimum weight of 50,000 pounds. At the hearing applicant amended its application by increasing the sought deviation rates to 53 cents per hundred pounds and 38 cents per hundred pounds, respectively.

The vice president and general manager of Consolidated testified that Consolidated is engaged in the manufacture of roofing materials and requires a continuous supply of bulk sand and crushed limestone to keep its plant in operations. The sand and crushed limestone are unloaded into silos by pneumatic pressure in defiance of gravity. The witness also testified that if his company had to pay the minimum rates it might be forced to proprietary carriage. He further testified that his company would not object to an increase in the rates by the amount that the applicable rates in Minimum Rate Tariff 2 are increased.

Revenue and expense data submitted by the president of applicant disclose that the transportation at the proposed rates will be compensatory. Applicant's president testified that applicant has sufficient equipment to fill Consolidated's needs.

The representative of the California Trucking Association requested that if the application is granted the authority be subject to the condition that in the event subhaulers are used they be paid the authorized deviation rate without any deductions.

The condition requested by the California Trucking Association would establish rates to be paid to subhaulers on the transportation which is the subject of this proceeding. The minimum rates for the transportation involved herein are set forth in Minimum Rate Tariff 2 which does not set forth any minimum rates to be assessed by subhaulers. Since there are no minimum rates for subhaulers in the minimum rate tariff governing the transportation involved herein, we see no reason for establishing rates for subhauling in this isolated instance and the request of the California Trucking Association is denied.

Findings

1. The proposed rates are compensatory.
2. The proposed rates are reasonable and justified.

The Commission concludes that the application should be granted. As conditions may change the authority will be made to expire March 31, 1975 unless sooner cancelled, changed, or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Morosa Bros. Transportation Co., dba Morosa Bros. Transportation and Lynn Trucking, is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 to the extent set forth in

Appendices A and B attached hereto and by this reference made a part hereof.

2. The authority granted herein shall expire March 31, 1975.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th
day of MARCH, 1974.

Vernon L. Stinson
President
William Lyons Jr.
Thomas Moran
Edith
Commissioners

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

A. 53836 cmm

APPENDIX A

Carrier: Morosa Bros. Transportation Co., dba
Morosa Bros. Transportation and Lynn Trucking.

Consignor: Interpace Company.

Point of
Origin: Within three miles of Ione, south of Highway
88, one mile on Buena Vista Road.

Consignee: Consolidated Fiberglass Products.

Point of
Destination: 3531 Shell Avenue, Bakersfield.

Commodity: Sand, NOI, as described in Item 90220 of
National Motor Freight Classification A-13.

Rate: 53 cents per hundred pounds, minimum weight
50,000 pounds. (Subject to Notes 1, 2, and 3.)

NOTE 1. Shipments to be gravity loaded by
consignor at no expense to carrier.

NOTE 2. Shipments to be unloaded pneumatically
in defiance of gravity.

NOTE 3. Not applicable on split pickup or
split delivery shipments.

In all other respects the rates and rules in
Minimum Rate Tariff 2 shall apply.

A. 53836 cmm

APPENDIX B

Carrier: Morosa Bros. Transportation Co., dba
Morosa Bros. Transportation and Lynn Trucking.

Consignor: Minnesota Mining and Manufacturing Company.

Point of
Origin: 5-1/2 miles south of Corona.

Consignee: Consolidated Fiberglass Products.

Point of
Destination: 3531 Shell Avenue, Bakersfield.

Commodity: Crushed limestone as described in Item 90650
of National Motor Freight Classification A-13.

Rate: 38 cents per hundred pounds, minimum weight
50,000 pounds. (Subject to Notes 1, 2, and 3.)

NOTE 1. Shipments to be gravity loaded by
consignor at no expense to carrier.

NOTE 2. Shipments to be unloaded pneumatically
in defiance of gravity.

NOTE 3. Not applicable on split pickup or
split delivery shipments.

In all other respects the rates and rules in
Minimum Rate Tariff 2 shall apply.