

Decision No. 83287**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
TRAILS TRUCKING, INC., a California
corporation, for an Order authorizing
Applicant to deviate from certain
minimum rates on shipments transported
for Nabisco, Inc., pursuant to
Section 3666 of the Public Utilities
Code of the State of California.

Application No. 54710
(Filed March 5, 1974)

ORDER GRANTING REHEARING

On June 27, 1974, applicant Trails Trucking, Inc. (Trails), filed a petition for rehearing and reconsideration of Decision No. 82916, issued May 29, 1974. In that decision the Commission dismissed Trails' application for a deviation from the applicable portions of Minimum Rate Tariff 2 (MRT 2) for the transportation of bakery goods from Buena Park to Brisbane for Nabisco, Inc. Dismissal of the application was based on our finding that Trails had not stated sufficient facts for the Commission to grant the requested ex parte authority. Trails' petition challenges that finding, and sets out additional reasons why the requested deviation should be granted. These reasons include, inter alia, the allegation that a "long-short haul violation" will occur if Trails is not granted its requested relief and allegations that the proposal is cost justified.

The Commission affirms its finding in Decision No. 82916 that Trails' application does not state sufficient facts to grant a deviation. The application contains only statements of general corporate profitability and general allegations that a "long-short haul violation" will occur if the relief is not granted.

However, the Commission believes that it is proper to permit Trails to substantiate its application in a hearing before

it. The Commission will expect Trails to support its application with specificity on all of its alleged justifications for the deviation, including but not limited to the costs and revenues directly attributable to the transportation in question as well as the special circumstances which would justify a deviation from the minimum rates on this particular transportation.^{1/} At the hearing ordered herein, Trails may also substantiate its allegation that the relief granted certain common carriers pursuant to Section 460 of the Public Utilities Code justifies the deviation from the minimum rates in this proceeding.

IT IS ORDERED that rehearing of Decision No. 82916 is hereby granted, said rehearing to be heard before such Commissioner or Examiner and at such time and place as may hereafter be designated.

The Secretary is directed to cause appropriate notice of rehearing to be mailed at least ten (10) days before such hearing.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 6th day of AUGUST¹, 1974.

Vernon L. Sturgeon
President
William L. Sussman
Michael J. ...
...

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioners

^{1/} See Major Truck Lines, Inc. (1970) 71 CPUC 447 at 453.