

**ORIGINAL**Decision No. 84593

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
 tion into the rates, rules, regu- )  
 lations, charges, allowances and )  
 practices of all common carriers, )  
 highway carriers and city carriers )  
 relating to the transportation of )  
 any and all commodities between )  
 and within all points and places )  
 in the State of California )  
 (including, but not limited to, )  
 transportation for which rates )  
 are provided in Minimum Rate )  
 Tariff No. 2).

Case No. 5432  
 (Petition for Modification  
 No. 860)  
 (Filed May 30, 1975)

OPINION AND ORDER

By Decision No. 83153 dated July 16, 1974, Big Pine Trucking Company, Inc., a corporation, was authorized, as a highway common carrier, to publish less-than-minimum rates of 45 and 47 cents per 100 pounds,<sup>1</sup> minimum weight 40,000 pounds, for the transportation of clay, pyrophyllite, silt, barytes, soapstone, talc and sand from Laws, Keeler and Olancho to points within a defined Los Angeles area. These rates are scheduled to expire with July 1, 1975. By this petition, authority is sought to continue to maintain the currently authorized rates for an additional one-year period.

Petitioner alleges that common carriers serving the Big Pine-Bishop area of the eastern central portion of California have an operational imbalance and such imbalance is caused by (1) a heavier flow of traffic into the Big Pine-Bishop area from the Los Angeles-Orange County metropolitan area than is developed toward that

<sup>1</sup>The two rates relate to different loading and unloading conditions specified in Appendix A of the petition.

metropolitan area; and (2) the common carrier duty to offer its service to the public on the northbound movements with unused capacity southbound. Petitioner avers that the authority requested is needed for it to generate southbound movements out of the Big Pine-Bishop area in order to avoid running its equipment deadhead.

Revenue and expense data submitted by petitioner disclose the transportation involved has been profitable and reasonably may be expected to be profitable under the proposed rates for the ensuing year.

The certificate of service shows that a copy of the petition was mailed to California Trucking Association and other interested parties on or about May 29, 1975. The petition was listed on the Commission's Daily Calendar of June 3, 1975. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that the proposed rates are reasonable and justified by transportation conditions. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Big Pine Trucking Company, Inc., a corporation, is hereby authorized to publish and file, to expire with July 1, 1976, rates for the transportation of clay, pyrophyllite, silt, barytes, soapstone, talc and sand as set forth, and subject to the conditions specified, in Appendix A attached hereto and by this reference made a part hereof.

2. Tariff filings shall be made effective on not less than one day's notice to the Commission and to the public.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th day of  
June, 1975.

Vernon L. Stinson  
President

~~William Symons, Jr.~~  
Leonard Ross  
Robert Bak  
Commissioners

Will Conner  
Robert Bak  
LRoss  
Commissioners

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

D.  
C. 5432, Pet. #860

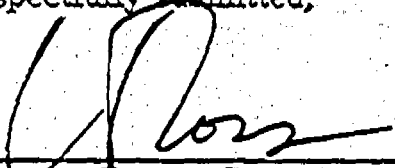
COMMISSIONERS ROSS AND BATNOVICH, CONCURRING.


We concur in the decision authorizing the petitioner to continue to maintain the currently authorized, less than minimum, rates for an additional one year period. We note however a possible inconsistency, in that this carrier can apparently afford to continue this back-haul transportation at the existing rate, while the minimum rates continue to increase. We wonder whether the increases in the minimum rates might subsidize the continuation of this lower rates

Dated: June 24, 1975

San Francisco, California

Respectfully submitted,

  
\_\_\_\_\_  
Leonard Ross, Commissioner

  
\_\_\_\_\_  
Robert Batnovich, Commissioner

APPENDIX A  
Page 1 of 2 Pages

Authorized Rates and Rules and Regulations  
Applicable Thereto

Application of Rates - Commodities

The rates herein set forth apply for the transportation of the following commodities when packed in bags and palletized:

Clay  
Pyrophyllite  
Silt (Soil)  
Barytes

Soapstone  
Talc  
Sand, including Silica Sand

Rates, in cents per 100 pounds

<u>From</u>	<u>To</u>	<u>Rate</u>	<u>Minimum Weight in Pounds Per Shipment</u>
Laws	Points within the Los Angeles	#45	40,000
Keeler	Area as described below and	#47	40,000
Olancho	points intermediate thereto.		

# Applicable only when shipment is loaded into carrier's equipment by the consignor, and when shipment is unloaded without expense to carrier by consignee with power equipment, provided that the shipping document indicates that the shipment was loaded by consignor and is to be unloaded by consignee under conditions described in this reference. Consignee shall certify unloading in accordance with instructions.

/ Applicable only when shipment is loaded into carrier's equipment by the consignor, and when shipment is unloaded by consignee with the physical assistance of a single carrier employee (either driver or helper, subject to Note) by use of power equipment furnished by the consignee without expense to the carrier, provided the shipping document indicates that the shipment was loaded by consignor and is to be unloaded by consignee under circumstances outlined in this reference. Consignee shall certify unloading in accordance with instructions.

Note: The physical assistance to be provided by the single carrier employee shall be restricted to work within, on, or immediately adjacent to the carrier's equipment.

APPENDIX A  
Page 2 of 2 Pages

Los Angeles Area: The Los Angeles Area, as so designated in connection with the rates set forth above, shall include Los Angeles and ten (10) miles thereof including Long Beach.

Shipments transported subject to the rates herein specified shall not be accorded privileges of split pickup or of split delivery.

Charges for transportation under the rates herein specified shall be assessed on gross weight of the shipment. No allowance shall be made for the weight of the bags and/or pallets.

(END OF APPENDIX A)