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Decision No. 84944

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Bayview Trucking, Inc.,)
for authority to charge less than)
minimum rates in Minimum Rate Tariff)
No. 2 for Reynolds Metals Company, as)
provided in Section 3666 of the Public)
Utilities Code. }

Application No. 55796
(Filed July 8, 1975)

INTERIM OPINION

Bayview Trucking, Inc. conducts operations as a highway common carrier and a highway permit carrier. By this application authority is requested to deviate from the minimum rates for the transportation of aluminum can ends in packages from Reynolds Metals Company (Reynolds), Sunset Whitney, Placer County to various points in California.

Aluminum can ends are currently subject to the 35.1 class rates, minimum weight 30,000 pounds. Applicant proposes to assess the 35.2 class rates and increase the minimum weight to 40,000 pounds.

According to the application Reynolds is building a plant near Roseville where aluminum can ends will be manufactured. The can ends are shipped in paper sleeves, on pallets, with a shrink film overwrap. Shipments will be loaded by forklift equipment by shipper personnel and unloaded with power equipment at destination by consignee personnel.

Applicant estimates an annual truckload volume in excess of ten million pounds. This volume will permit applicant to spot empty trailers at shipper's plant for shipper loading on a regular basis, thus resulting in minimal cost to applicant.

According to the application the proposed higher minimum weight will result in total revenues, per unit of equipment, averaging 19 percent higher than that resulting from the present applicable minimum weight and minimum rates.

Applicant's estimates of costs and revenues provide a reasonable basis for authorizing the relief sought. Applicant should be authorized to perform the service as proposed for a period during which actual costs and revenues may be recorded. A hearing should then be scheduled, at which time such data may be considered.

This application was noticed on the Commission's Daily Calendar of July 10, 1975. The Commission's Transportation Division has recommended that in the absence of protest, the relief be granted by ex parte order. No protest or request for public hearing has been received.

We find that the favorable circumstances and conditions attendant to the transportation of the commodity involved in this proceeding are not generally present in the usual or ordinary transportation performed by highway carriers under the governing provision of MRT 2. Applicant should be authorized to depart from the governing minimum rates as provided in the order which follows, pending public hearing.

INTERIM ORDER

IT IS ORDERED that:

1. Bayview Trucking, Inc. is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 by charging those rates set forth in Appendix A of this decision. This authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

2. The authority granted shall expire six months after the effective date of this order unless sooner canceled, modified, or extended by order of the Commission.

3. A public hearing shall be scheduled on this application at a date to be set.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th
day of SEPTEMBER, 1975.

William J. Quinn President
Superior L. D. Blum
Howard R. Con
Robert A. ... Commissioners

APPENDIX A

Carrier: Bayview Trucking, Inc.
Consignor: Reynolds Metals Company, Sunset Whitney, California.
Destination: Various, California.
Commodity: Can Ends, Aluminum, in paper sleeves, on pallets with a shrink film overwrap.
Rate: Class 35.2, subject to notes 2, 3, 4, 5, and 7 of Item 640, MRT 2, original page 48-B.
Minimum Weight: 40,000 pounds per unit of carrier's equipment.
Note: An allowance of one hour free time for loading and two hours free time for unloading shall be made in connection with each unit of equipment used. Excess loading or unloading time shall be charged for at rates named in Item 145 of MRT 2. Time shall be computed from actual or shipper-designated time of arrival of carrier's equipment at place of loading or unloading, whichever is later, until loading or unloading is completed and carrier's equipment is released. Delay charges are for the account of the shipper.
Other than the authority described above, all other provisions of Minimum Rate Tariff 2 shall apply.