

Decision No. 85120

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Franklin Trucking Co., Inc. for authority to operate under Tariff No. MRT 2, Item 42, in the city and county of San Diego: to transport construction equipment, pipes, poles, beam iron and steel products of abnormal size or weight requiring the use of low-bed trailers. The transportation for whom this is performed is San Diego Contractors and Equipment dealers, now under Tariff No. MRT 9B being in San Diego County Drayage area.

Application No. 55605  
(Filed April 8, 1975;  
amended May 1, 1975)

Ammona L. Franklin, for Franklin Trucking Co., Inc.,  
applicant.  
Charles D. Gilbert and H. Hughes, for California  
Trucking Association, interested party.  
George L. Hunt, for the Commission staff.

### O P I N I O N

Applicant Franklin Trucking Co., Inc., a highway permit carrier, seeks exemption from the rates, rules, and regulations of Minimum Rate Tariff 9-B (MRT 9-B) governing transportation of property, which because of size or weight, requires the use of low-bed equipment.

A duly noticed public hearing was held before Examiner Tanner on June 23, 1975 at San Diego at which time the matter was submitted for decision.

Applicant specializes in the transportation of heavy equipment and related materials for contractors. These services are principally conducted in and about San Diego, but, occasionally, will range over most of southern California. Low-bed trucking equipment is used, not only for those materials requiring such equipment, but also for such other articles at or destined to a contractor's jobsite and which are part of the contractor's equipment.

On April 25, 1975 applicant was admonished by a representative of the Commission's Transportation Division for apparent violation of Items 170, 200, 201, and 500 of MRT 9-B. A copy of the notice of the admonishment was received as Exhibit 1. Applicant explained that the factors which compelled the filing of this application were the audit which led to the Commission staff's warning and the demand by the contractors who use applicant's services for the same treatment for rates and billing, as they receive outside the geographical boundaries of MRT 9-B.

Item 42, Minimum Rate Tariff 2 (MRT 2), provides:

"Rates in this tariff will not apply to the transportation of the following:

"Commodities of abnormal size or weight which because of such size or weight require the use of and are transported on low bed trailers."

MRT 9-B provides rates for such transportation.

MRT 9-B applies to transportation of general commodities between points within Metropolitan Zones 301 through 312 as described in Distance Table 7 (San Diego drayage area). The area encompassed corresponds to the densely populated areas in and around the city of San Diego. General freight transportation between areas outside the San Diego drayage area and between a point within that area and a point without would be governed by MRT 2. It is applicant's position that the variation of transportation regulations, which are

implemented by geographical location and not transportation conditions, results in an undue competitive burden and prevents equal rate treatment for services performed under similar circumstances at different locations.

According to the record, applicant is the largest of about six carriers in the San Diego area engaged in low-bed service. None appeared at the hearing, nor has any word been received indicating their position on this matter.

The California Trucking Association (CTA) and the Commission's Transportation Division participated in this proceeding, but offered no evidence. CTA did not object to the relief sought provided it was confined to transportation of contractors' equipment, and a review of conditions be made at the end of one year to determine if such relief should be continued, modified, or canceled.

The proposal advanced by applicant does not involve the question of rate level. At this time applicant's rates exceed the applicable minimum. The rates assessed include service for which the tariff rules require separately stated charges. The relief requested would permit applicant to document, bill, and collect charges for services performed within the San Diego drayage area in the same manner that is permitted adjacent to that area for the same service.

After consideration we find that under current circumstances, the minimum rates set forth in MRT 9-B are not appropriate for the transportation of contractors' equipment and related material on low-bed trucking equipment as such transportation service is now performed by applicant. We conclude that Application No. 55605 be granted to the extent provided in the following order.

Since conditions under which the service is performed may change at any time, the authority granted in the ensuing order will expire at the end of one year unless sooner canceled, modified, or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Franklin Trucking Co., Inc. is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 9-B to the extent set forth in Appendix A of this decision.

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

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 18<sup>th</sup>  
day of NOVEMBER, 1975.

William J. Quinn President  
Vernon L. Livingston  
Norm  
Robert Commissioners

APPENDIX A

FRANKLIN TRUCKING CO., INC.

The rates, rules, and regulations named in Minimum Rate Tariff 9-B shall not apply to property transported on low-bed trucking equipment when such property is transported for a contractor or a contractor's equipment dealer.