

Decision No. S5160**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 GUTEMILLER TRUCKING, INC., a
 California corporation, for
 authority to deviate from the
 provisions of Minimum Rate Tariff
 Number 2 in connection with
 transportation of glass bottles,
 carboys, demijohns and jars,
 pursuant to the provisions of
 Section 3666 of the Public
 Utilities Code.

Application No. 55447
 (Filed January 20, 1975;
 amended February 26, 1975)

Eldon M. Johnson, Attorney at Law, and D. F. Marcantonio, for applicant.
E. H. Griffiths, for Vandell Truckaway, Inc.;
Robert W. Harris, for himself; Dennis O'Brien, Attorney at Law, for O'Brien Freight Lines, dba Atlas Freight Lines;
John J. Wynne, for Owens-Illinois, Inc.;
Bobbie G. Vaughn, for U.S. Department of State (Dispatch Agency); R. C. Broberg and H. W. Hughes, for California Trucking Association; interested parties.
Russell D. Corning, for the Commission staff.

O P I N I O N

Applicant holds radial highway common carrier and highway contract carrier permits. By this application it seeks authority to assess less than the minimum rates set forth in Minimum Rate Tariff 2 for the transportation of glass bottles, carboys, demijohns, or jars for the Pepsi-Cola Bottling Company from the plants and facilities of Owens-Illinois, Inc. located at Oakland and Tracy to Sunnyvale.

Subsequent to public hearing the Commission, by Decision No. 84444 granted the relief sought on an interim basis pending further hearing for the submission of specific revenue and expense studies.

On September 30, 1975 applicant submitted its "Late-Filed Exhibit Concerning Cost/Revenue Figures In Lieu of Continued Oral Hearing" which is received in evidence as Exhibit 8. On October 21, 1975 applicant submitted its "Second Late-Filed Exhibit Concerning Cost/Revenue Figures In Lieu of Continued Oral Hearing" which is received in evidence as Exhibit 9. Exhibits 8 and 9 disclose that operations at the rates proposed will be compensatory for applicant and the owner-operators employed by it.

Exhibits 8 and 9 were mailed to all parties appearing at the public hearing. No requests for further public hearing or objections to granting the application have been received. Further hearing not being necessary, the matter is submitted as of October 28, 1975.

Findings

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

2. Further public hearing is not necessary.

The Commission concludes that the application should be granted, which will be accomplished by extending the expiration date of the interim authority granted in Decision No. 84444. The Commission further concludes that Ordering Paragraph 3 of Decision No. 84444 should be rescinded.^{1/}

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 cancelled, modified, or extended by order of the Commission.

^{1/} Ordering Paragraph 3 states: "Further hearing will be scheduled in this proceeding for the receipt of further evidence."

O R D E R

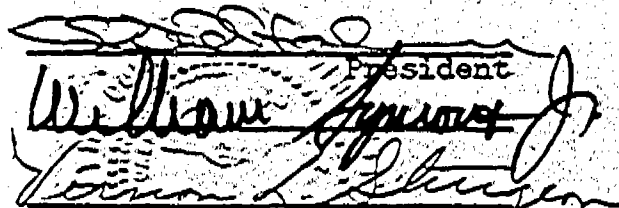

IT IS ORDERED that:

1. The expiration date set forth in Ordering Paragraph 2 of Decision No. 84444 is hereby extended to one year after the effective date of this order.

2. Ordering Paragraph 3 of Decision No. 84444 is rescinded.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 18th
day of NOVEMBER, 1975.


President

Commissioners