

ORIGINAL

Decision No. 85438

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of WARN BROS., INC. doing busi-)
 ness as CRESCENT TRUCK LINES, a)
 California corporation for an)
 order authorizing departure from)
 the rates, rules and regulations)
 of Minimum Rate Tariff No. 2)
 pursuant to the provisions of)
 Section 3666 of the Public)
 Utilities Code, for the trans-)
 portation of batteries in)
 specially designed steel racks)
 between Anaheim, California and)
 Fremont, California, and also)
 the return of the empty steel)
 racks, for General Motors Corpo-)
 ration; departure to apply)
 except when there is a prior or)
 subsequent movement by motor,)
 rail or water carrier.)

Application No. 56092
 (Filed November 25, 1975)

OPINION AND ORDER

Warn Bros., Inc., a corporation, doing business as Crescent Truck Lines, operates as a highway permit carrier. By this application, it seeks authority to assess a less-than-minimum rate of \$1.00 per 100 pounds, minimum weight 45,000 pounds, for the transportation of batteries in specially designed steel racks for General Motors Corporation between Anaheim and Fremont. Applicant also proposes to return, without charge, the empty racks.

Applicant alleges that it has been engaged for more than ten years in the transportation business of General Motors Corporation in the movement of said commodities between Anaheim and Fremont and had been performing this service until December 5, 1975, under a railhead rate of 83 cents per 100 pounds, minimum weight

45,000 pounds. Applicant states that this rail rate was cancelled on that date and it is currently assessing higher rail all-freight rates for such transportation. Applicant avers that this traffic represents a substantial portion of its revenues and profits and it has been informed by the shipper that such traffic will be diverted from it at an early date unless the sought relief is granted. Applicant asserts that the loss of this traffic would seriously affect its revenues and profits and requests expedited action in this matter.

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable during the ensuing year.

The application was listed on the Commission's Daily Calendar of December 1, 1975. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

In the view of the urgency in this matter, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:


1. Warn Bros., Inc., is hereby authorized to transport batteries in specially designed racks and the empty racks for General Motors Corporation at rates less than the established minimum rates but not less than those set forth, and subject to the conditions, shown in Appendix A attached hereto and by this reference made a part hereof.

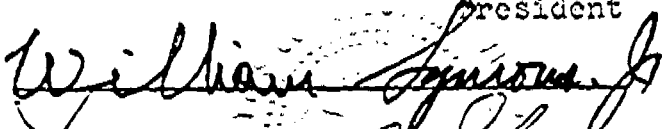

2. The authority granted herein shall become effective concurrently with the effective date of the tariff amendments that are made in compliance with Decision No. 85437 in Application No. 56091.


3. The authority granted herein shall expire one year after the effective date provided in ordering paragraph 2 hereof unless sooner cancelled, modified or extended by order of the Commission.

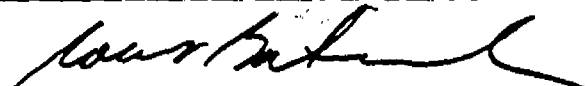
The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10th day of February, 1976.



President



Vernon L. Sturgeon




Commissioners

APPENDIX A

Carrier: Warn Bros., Inc.
Commodity: Batteries in specially designed steel racks
Between: Anaheim
And: Fremont
Rate: \$1.08 per 100 pounds subject to Notes 1 and 2
Minimum Weight: 45,000

Note 1: This rate includes the free return of the empty racks.

Note 2: Does not apply to shipments of batteries and empty racks as described herein which have a prior or subsequent for-hire rail, motor or water carrier movement.

In all other respects, the rates and rules set forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)