

ORIGINAL

Decision No. 85655

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of HUGH D. BROWN doing business)
 as HUGH D. BROWN TRUCKING, for)
 authority to deviate from cer-)
 tain minimum rates pursuant to)
 Section 3666 of the California)
 Public Utilities Code for trans-)
 portation performed for CON-)
 TAINER CORPORATION OF AMERICA)

Application No. 56156
 (Filed December 23, 1975)

OPINION AND ORDER

By this application, Hugh D. Brown, doing business as HUGH D. BROWN TRUCKING, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with transportation of waste paper for Container Corporation of America from Bakersfield to Antioch, Port Hueneme, Santa Clara and points in Los Angeles County.¹

The application is based on special circumstances and conditions detailed herein.

¹ The present and proposed rates in cents per 100 pounds to the following points are:

Points	<u>Present Rates</u>		<u>Proposed Rates</u>	
	<u>Minimum Weight in Pounds</u>		<u>Minimum Weight in Pounds</u>	
	<u>50,000</u>	<u>96,000</u>	<u>50,000</u>	<u>100,000</u>
Vernon	63	49	51	42
Port Hueneme	63	49	51	42
Antioch	88	71	70	67
Santa Clara	88	71	70	67

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The application was listed on the Commission's Daily Calendar of December 30, 1975. California Trucking Association (CTA) stated that it expected to explore at public hearings some of obvious inconsistencies, as illustrative by an annual equipment use factor which exceeds that of the driver operating it. CTA further stated that applicant's earning statements for 1973 and 1974 show meals and lodging expenses which are not related to the operations in question.

Milton W. Flack, on behalf of applicant, informed the Commission by letter with a copy to CTA, that the annual driver's hours are based on a 40-hour week, 52 weeks per year and the use factor of the equipment is based upon a total period whether the vehicle is operated or not. He also stated that, though not related to the transportation involved, the meals and lodging expenses are operating expenses which are necessarily included in applicant's financial statement. No comment has been received from CTA concerning the aforementioned letter.

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 as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this rate relief.

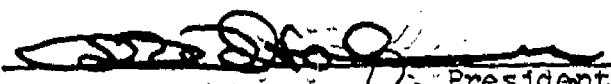
IT IS ORDERED that:

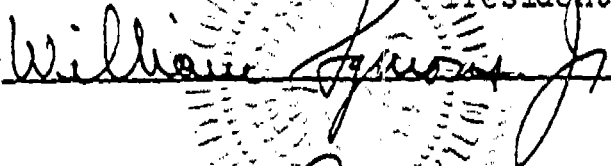
1. Hugh D. Brown is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.

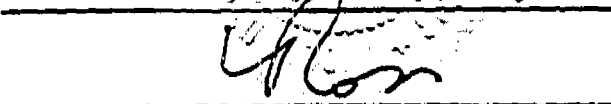
2. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 31st day of March, 1976.



President




Commissioners

Commissioner VERNON L. STURGEON being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner ROBERT BATINOVICH, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

Carrier: Hugh D. Brown

Commodity: Waste paper, not sensitized, baled or on pallets

For: Container Corporation of America

From: Bakersfield

To: Points in Los Angeles County and Port Hueneme

Rates: (1) 95% of Class 35.4 on a minimum weight of 50,000 pounds per unit of equipment

(2) On shipments of two 50,000 pounds minimum weight loads per day, apply the rates named in Paragraph (1) above less 9 cents per 100 pounds.

To: Antioch and Santa Clara

Rates: (1) Apply the rate of 95% of Class 35.4 on a minimum weight of 50,000 pounds per unit of equipment.

(2) On shipments of two 50,000 pounds minimum weight loads per day, apply the applicable rate in Paragraph (1) above less 3 cents per 100 pounds.

Applicant has not indicated subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rates authorized herein.

(END OF APPENDIX A)