

Decision No. 85685**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica- )  
tion of: )Angel B. Ramirez, dba as Rami- )  
rez Trucking a proprietorship, )  
to provide service under )  
Section 3666 of the Public )  
Utilities Code Application on )  
charges lower than that pro- )  
vided in Minimum Rate Tariff )  
No. 2. )Application No. 56000  
(Filed October 10, 1975)OPINION AND ORDER

By this application, Angel B. Ramirez, doing business as Ramirez Trucking, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of talc in bags for Cyprus Industrial Minerals Company from Keeler to points in the Los Angeles Area.<sup>1</sup>

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

The application was listed on the Commission's Daily Calendar of October 15, 1975. California Trucking Association requested public hearing in this matter stating that the figures in Exhibit 3 are stated only in dollar totals and appear to be understated in several important areas in the absence of exploration. However, revenue and expense data submitted by applicant are sufficient to indicate that the transportation involved may reasonably be expected to

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<sup>1</sup> The present minimum rate for this transportation is, depending on the distance involved, 85 or 87 cents per 100 pounds, minimum weight 40,000 pounds. The proposed rates for this transportation are 48 and 50 cents per 100 pounds, minimum weight 40,000 pounds. The lower rate applies when the shipper loads and the consignee unloads the shipment. The higher rate applies when the shipper loads the shipment and the consignee unloads it with the assistance of the driver or helper.

be profitable under the proposed rates.

Applicant is placed on notice that, should his operations for Cyprus Industrial Minerals Company be between fixed termini or over a regular route, he should apply for a highway contract carrier permit.

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.

IT IS ORDERED that:

1. Angel B. Ramirez 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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of April, 1976.

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President  
*William J. Squire*  
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*Vernon L. Sturgeon*  
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*[Signature]*  
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*Robert Bateman*  
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

ANGEL B. RAMIREZ, dba RAMIREZ TRUCKING, is authorized to transport talc, in bags, for Cyprus Industrial Minerals Company from Keeler to the Los Angeles Area (including Los Angeles and ten (10) miles thereof and Long Beach) and points intermediate thereto, at the rates indicated below:

RATES IN CENTS  
PER 100 POUNDS

48 (A)

50 (B)

(A) Rate will only apply under the following conditions:

1. Shipment is loaded into carrier's equipment by the consignor.
2. Shipment is unloaded from the carrier's equipment with power equipment by the consignee without expense to the carrier.
3. Shipping document shall indicate that the shipment was loaded by the consignor and is to be unloaded by the consignee under the conditions herein described.
4. Consignee shall certify unloading in accordance with instructions.

(B) Rate will only apply under the following conditions:

1. Shipment is loaded into carrier's equipment by the consignor.
2. Shipment is unloaded from the carrier's equipment by consignee with the physical assistance of a single carrier employee (either driver or helper, subject to note below) by use of power equipment furnished by the consignee without expense to the carrier.
3. Shipping document shall indicate that the shipment was loaded by the consignor and is to be unloaded by the consignee under the conditions herein described.

APPENDIX A

4. Consignee shall certify unloading in accordance with instructions.

Note: The physical assistance to be provided by the single carrier employee shall be restricted to work within, on or immediately adjacent to the carrier's equipment.

In addition, the above rates are subject to the following conditions:

- a. The minimum weight per shipment shall be 40,000 pounds.
- b. Shipments will not be accorded privileges of split pickup or of split delivery.
- c. Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of the bags and/or pallets.
- d. 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.
- e. In all other respects, the rates and rules set forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)