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Decision No. 85883

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MARINO BROS. TRUCKING CO., 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 transportation of glass,)
flat, not bent, from Lathrop to various)
points in Southern California for)
Libbey-Owens-Ford Company.)

Application No. 56118
(Filed December 12, 1975;
amended April 12, 1976)

INTERIM OPINION

Applicant Marino Bros. Trucking Co., a corporation, is a highway permit carrier. By this application authority is sought to depart from the established minimum rates for the transportation of glass, flat, not bent, as described in Item 86730 of the National Motor Freight Classification from Lathrop to various central and southern California points for the account of Libbey-Owens-Ford Company. The proposed rates are generally equivalent to those applicable to rail movements of the same commodity between the same points. The proposed rates are about 80 percent of the applicable minimum rates. Applicant requests authority to institute the proposed rates immediately, and that if formal hearing is necessary, interim relief be granted pending hearing.

Applicant has served the Libbey-Owens-Ford Company for the past five years. The financial data attached to the amended application indicate that applicant is financially sound and has apparently conducted past operations profitably. The financial data include operations performed for Libbey-Owens-Ford Company and it is assumed that those services were conducted, to some degree, at rate levels equivalent to the rail rates.

The study of revenue and expenses for the proposed operation shows that a return movement is required in many instances in order that the round-trip revenue will exceed round-trip expenses. The source of the return trip traffic is not disclosed. It is also not revealed whether the operation will utilize the service of underlying carriers. The income statement for the year ended December 31, 1975 indicates that underlying carriers are extensively employed.

Interim authority will be granted pending hearing. The authority will be restricted to services performed with applicant's equipment. Applicant will be expected to produce evidence which will reflect actual operating revenue and expenses, which must include return movements. If underlying carriers are employed, the expenses of such carriers will be required.

In order to give applicant maximum time to secure data and to avoid undue hardship as a result of further delay, the following order will be made effective on this day.

INTERIM ORDER

IT IS ORDERED that:

1. Marino Bros. Trucking Co. is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 by charging those rates set forth in Appendix A of this decision. The authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.
2. The authority granted shall expire six months after the effective date of this order unless sooner canceled, modified, or extended by order of the Commission.

3. A public hearing shall be scheduled on this application at a date to be set.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2nd
day of JUNE, 1976.

[Signature] President
William J. Lyons
[Signature]
[Signature]
Robert B. [Signature]
Commissioners

APPENDIX A

Carrier: Marino Bros. Trucking Co.Shipper: Libbey-Owens-Ford Company.Commodity: Glass, flat, not bent, as described in Item 86730 of the National Motor Freight Classification 100-B.From: Lathrop, California.

Rate Schedule
(Rates in Cents per CWT)

To	Not over 9' x 15' Minimum Weight		Over 9' x 15' Minimum Weight	
	36,000	50,000	36,000	50,000
Alhambra		100		106
Alameda	52	45	52	49
City of Industry		100		111
Colton		100		111
Compton		100		111
Culver City		100		111
El Segundo		100		111
Fresno		51		55
Fullerton		100		111
Hayward	52	45	52	49
Hollywood		100		111
Long Beach		100		111
Los Angeles		100		111
North Hollywood		100		111
Oakland	52	45	52	49
Palo Alto		45		49
Richmond	52	45	52	49
Sacramento		40		45
San Bernardino		100		111
San Diego		123		136
San Francisco	52	45	52	49
San Jose		45		49
Santa Ana		100		111
Santa Barbara		111		125
Santa Clara		45		49
Santa Fe Springs		100		111
Santa Rosa		54		59
Stockton	52	40	52	45
Union City	52	45	52	49
Visalia		59		66

Restriction: This authority is limited to transportation performed using equipment owned and operated by Marino Bros. Trucking Co.