

ORIGINAL

Decision No. 85903

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CMD Transportation,)
 Inc. DBA Richard C. Shearer, Inc.)
 in the State of California for)
 authority to deviate from minimum)
 rates set forth in Minimum Rate)
 Tariff No. 2, between Los Angeles)
 and Milpitas on the one hand and)
 points in the State of California)
 on the other. The commodities)
 involved are batteries, electric)
 storage, assembled and components)
 of batteries, electric storage in)
 boxes, cartons or on pallets.)
 Transportation will be performed)
 for the account of ESB Incorpo-)
 rated of Cleveland, Ohio and)
 Philadelphia, Pennsylvania. The)
 statutory authority under which)
 authority is sought is Public)
 Utilities Commission Code Sec-)
 tion 3666.)

Application No. 56085
 (Filed November 24, 1975)
 (Amended March 19, 1976)

OPINION AND ORDER

By this application, as amended, CMD Transportation, Inc., a corporation, doing business as Richard C. Shearer, Inc., requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with transportation of electric storage batteries for ESB Inc., between Los Angeles and Milpitas, on the one hand, and various points in California, on the other hand.¹

¹ The present and proposed rates in cents per 100 pounds, exclusive of applicable surcharges, for representative shipments of electric storage batteries are:

<u>Between</u>	<u>And</u>	<u>Present Rates</u> <u>Minimum Weight</u> <u>30,000 Pounds</u>	<u>Proposed Rates</u> <u>Minimum Weight</u> <u>30,000 Pounds</u>
Milpitas MZ 121	Fresno	94	85
Los Angeles MZ 251	Bakersfield	87	78

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

The application and amendment were listed on the Commission's Daily Calendar of November 25, 1975, and March 22, 1976, respectively. California Trucking Association objected to the ex parte handling of this matter stating that applicant's data reflect one-way costs and raise serious question concerning the reasonableness of the proposal in the absence of related backhaul traffic. However, revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates.

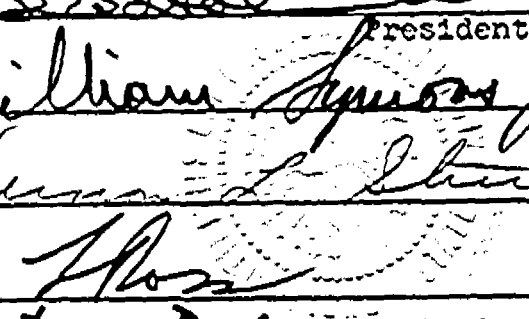

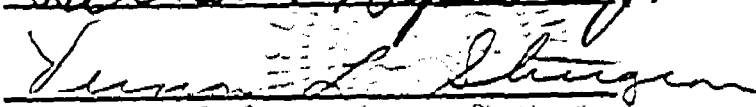


In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application, as amended, should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. CMD Transportation, Inc., 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 2nd day of
June, 1976.


 President
William Simon



Commissioners

APPENDIX A

Carrier: CMD Transportation, Inc., a corporation, doing
business as Richard C. Shearer, Inc.

Commodity: Batteries, electric storage, assembled and components of
Batteries, electric storage, assembled in boxes,
cartons or on pallets.

For: ESB Inc.

Between: Los Angeles and Milpitas, on the one hand

And: All points in California, on the other hand.

Rates: 90 percent of the applicable rates in Minimum Rate
Tariff 2.

Conditions:

1. 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.

2. In all other respects, the rates and rules (including
applicable surcharges) set forth in Minimum Rate Tariff 2 shall
apply.

(END OF APPENDIX A)