

ORIGINAL

Decision No. 86171

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application )  
of FROSTY FREIGHTWAYS, INC. for )  
authority to deviate from pro- )  
visions contained in Item 50 of )  
Minimum Rate Tariff 15 under pro- )  
visions of Section 3666 of the )  
Public Utilities Code. )

Application No. 56421  
(Filed April 22, 1976)

OPINION AND ORDER

By this application, Frosty Freightways, Inc., a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 15 in connection with the transportation of property for Mervyn's between bases of operations at Hayward and Los Angeles.<sup>1</sup> Applicant also requests that the authority be made effective April 21, 1976.

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

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<sup>1</sup> The monthly and yearly vehicle unit rates in Minimum Rate Tariff 15 are limited to service performed within a radius of 250 air miles from the base of operations. Applicant proposes to assess the rates in this tariff for the aforementioned transportation but the service performed will exceed the 250-mile limitation in said tariff.

The application was listed on the Commission's Daily Calendar of April 26, 1976. California Trucking Association (CTA) protested the granting of the sought relief stating that the special circumstances cited by applicant were fully considered in developing proposals which limit Minimum Rate Tariff 15 application to within 250 miles of the base of operations. CTA further stated that nothing new or novel is presented in applicant's proposal which would warrant a departure from the existing provisions. However, authorities similar to that requested herein have been granted in the past.<sup>2</sup>

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. The authority will not be made retroactive to April 21, 1976, but will be made effective on a current basis. A public hearing is not necessary. The Commission concludes that the application, as herein modified, 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. Frosty Freightways, Inc., a corporation, is authorized to depart from the provisions of paragraph(c) of Item 50 of Minimum Rate Tariff 15 in connection with the transportation of property for Mervyn's between bases of operations at Hayward and Los Angeles.


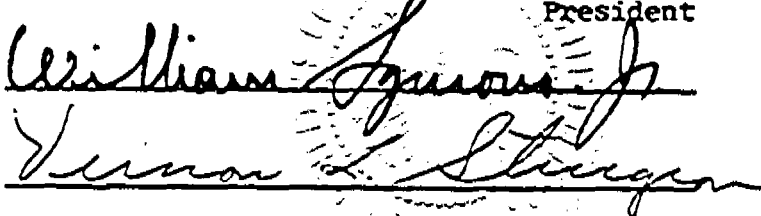
2. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

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<sup>2</sup> See Decision 69300 dated June 22, 1965, in Application 47343; Decision 71927 dated January 24, 1967, in Applications 49025 and 49026; Decision 81202 dated March 27, 1973, in Application 53818; and Decision 82953 dated June 5, 1974, in Application 54797.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of  
July, 1976.

  
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President  
  
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Commissioners

Commissioner Leonard Ross, 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.