

Decision No. 86269

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Ben Salamoní, DBA)
 Ben Salamoní Trucking Service,)
 William Cox, Thomas Hall, John N.)
 Lockhart, Tom Miklosko, Frank)
 Stapleton, Curtis L. Williamson,)
 Charles Wayne, Melvin Thornton,)
 George Antoku, Ceasar Dominguez)
 and Cristobal Dominguez dba C.)
 Dominguez & Sons, Darrell E.)
 Holmes, Keith B. Halsrud, Laurence)
 W. Allen, Dave Matsuo, Chester)
 Yarbrough and Dalles E. Yarbrough)
 dba Yarbrough Trucking, Robert R.)
 Fautz, Gabriel A. Perez, Manuel F.)
 Nunes for authority to depart from)
 the minimum rates and rules and)
 regulations of Minimum Rate Tariff)
 No. 20, pursuant to the provisions)
 of Section 3666 of the Public)
 Utilities Code, for Plombo Con-)
 struction Co.)
)
)
)

Application No. 56642

In the matter of the Application)
 of Pacific Construction Trucking,)
 Inc., a California Corporation,)
 for authority to deviate from the)
 Minimum Rate of Tariff #20 under)
 Statutory (sic) Provision #3666)
 of the California Public Utilities)
 Commission Code for Bottom Dump)
 Truck Carriers Permit, The Shipper)
 being Plombo Corporation, P.O. Box)
 1128, San Carlos, Calif., 94070)
 Hauling Fill Material Loaded by 60)
 inch Belt Loader.)

Application No. 56645

INTERIM OPINION AND ORDER

By Applications 56642 and 56645, Ben Salamoní, doing
 business as Ben Salamoní Trucking Service, and 18 other carriers and
 Pacific Construction Trucking, Inc., a corporation, request authority

to deviate from the Commission's established minimum rates in connection with the transportation of fill material in dump truck equipment from Redwood City to Foster City for Piombo Construction Company. Applicants request expedited action in these matters as the commencement of this project is imminent.¹

The applications are based on special circumstances and conditions detailed therein.

Applications 56642 and 56645 were respectively listed on the Commission's Daily Calendars of July 27 and 28, 1976.

California Trucking Association requested hearing in Application 56642 stating that only one carrier (Ben Salamon1) of the 19 carriers involved has furnished any financial information and the absence of any cost data related to the proposed movement precludes any definitive analysis of the reasonableness thereof. Though California Dump Truck Owners Association supports the aforementioned application, it requests public hearing in Application 56645 of Pacific Construction Trucking, Inc., questioning the propriety of applicant seeking rate relief for unnamed independent contractor subhaulers. However, Ben Salamon1 and Pacific Construction Trucking, Inc., have shown that their proposals are reasonable for this transportation on an interim basis insofar as each one of them is individually concerned.

In the circumstances, the Commission finds that the proposals of Ben Salamon1 and Pacific Construction Trucking, Inc., are reasonable on a temporary basis pending hearing insofar as such proposals apply to each of them individually. The sought relief has not been justified with respect to the other applicants named in

¹ The present and proposed rates for the involved transportation are 105 and 99 cents per ton, subject to a minimum charge per shipment of 23 and 22 tons, respectively, at the applicable rate.

Application 56642 and will not be granted to said applicants. The Commission concludes that the applications should be granted to the extent indicated 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. Ben Salamoni and Pacific Construction Trucking, Inc., a corporation, are authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rate set forth therein.

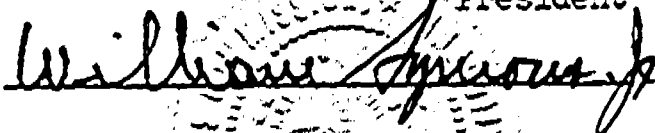
2. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

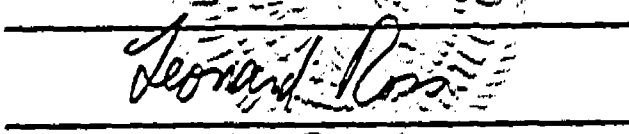
3. A public hearing shall be scheduled on these applications at a date to be set.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day of August, 1976.



President




Commissioners

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

A. 56642 and A. 56645

APPENDIX A

Carriers: Ben Salamoni, doing business as Salamoni Trucking Service.
Pacific Construction Trucking, Inc., a corporation.

Commodity: Fill material in dump truck equipment.

For: Piombo Construction Company.

From: Redwood City (Production Area 41-F as described in Northern California Production Area and Delivery Zone Directory 2).

To: Foster City (Delivery Zone 406 as described in Northern California Production Area and Delivery Zone Directory 2).

Rate: 99 cents per ton.

Minimum Charge: \$21.78 per shipment.

Conditions:

1. If subhaulers are employed, they shall be paid not less than 95 percent of the authorized rate.
2. In all other respects, the rates and rules in Minimum Rate Tariff 20 shall apply.

(END OF APPENDIX A)