

Decision No. 86375

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
 tion for the purpose of consid- )  
 ering and determining minimum )  
 rates for transportation of any )  
 and all commodities statewide )  
 including, but not limited to )  
 those rates which are provided )  
 in Minimum Rate Tariff 2 and the )  
 revisions or reissues thereof. )

Case No. 5432  
 Petition for Modification  
 No. 888  
 (Filed April 20, 1976)

OPINION AND ORDER

By this petition, Brake Delivery Service-Meier Transfer Service, a corporation, requests authority to deviate from the split delivery provisions of Minimum Rate Tariff 2 by transporting split delivery shipments which exceed 40 delivery components in number and not assessing the additional charge for each delivery component in excess of the number presently allowed.<sup>1</sup> Petitioner is a participating carrier in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff 111, Cal.P.U.C. 15, and proposes to have the sought provisions published in said tariff for its account.

---

<sup>1</sup> Item 170 of Minimum Rate Tariff 2 allows a maximum number of split delivery components of 6, 8 or 10 for shipments with actual or billed weights of "over 4,999 but not over 6,000 pounds," "over 6,000 but not over 8,000 pounds" or "over 8,000 but not over 10,000 pounds," respectively. The item also allows one split delivery component for each additional 1,000 pounds or fraction thereof subject to a maximum of 20 delivery components per shipment. The total number of split delivery components may exceed 20 but not 40 provided an additional charge of \$5.35 (exclusive of applicable surcharges) is assessed for each delivery component in excess of 20. This charge also applies to each delivery component in excess of the number allowed in the lower weight brackets.

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

The petition was listed on the Commission's Daily Calendar of April 23, 1976. California Trucking Association requested hearing in this matter stating that petitioner's allegations are contrary to Decisions 77026, 85275 et al. The conditions attending petitioner in this instance differ materially from those encountered by the carriers which were considered in the aforementioned decisions. Such carriers normally transported split delivery shipments in a single unit of equipment. Petitioner picks up at a single site on a master bill, returns to the terminal and then parcels out the delivery components to individual delivery units of equipment in the same manner as single shipments are sorted for delivery.

In the circumstances, the Commission finds that petitioner's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the petition 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. Brake Delivery Service-Meier Transfer Service, a corporation, is authorized to deviate from the split delivery provisions of Minimum Rate Tariff 2 and to have Western Motor Tariff Bureau, Inc., Agent, publish said provisions in its Local, Joint and Proportional Freight and Express Tariff 111, Cal.P.U.C. 15, as specifically proposed in the petition.

2. Tariff publications authorized to be made as a result of the order herein shall be filed on not less than five days' notice to the Commission and to the public and shall expire with September 15, 1977.


3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

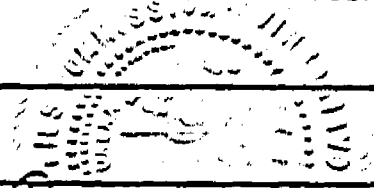
The effective date of this order is the date hereof.


Dated at San Francisco, California, this 14<sup>th</sup> day of September, 1976.

We dissent because of the  
effective date being  
the date hereof.

William Symons Jr.  
Vernon L. Stenger

  
President



  
Commissioners