

Decision No. 86565

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of FRANK'S TRUCKING for authority )  
to depart from the minimum rates, )  
rules, and regulations of Minimum )  
Rate Tariff No. 2, pursuant to )  
the provisions of Section 3666 )  
of the Public Utilities Code. )

Application No. 56766  
(Filed September 21, 1976)

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. 919  
(Filed September 21, 1976)

OPINION AND ORDER

By this petition and application Frank's Trucking, a corporation, requests authority: (1) as a highway common carrier, to publish less-than-minimum rates for the transportation of plain, coated, lacquered, painted, lithographed or printed tin mill black plate, tin plate, terme plate, or chrome plated black plate; and steel, tin or aluminum can ends (in mixed shipments) from Pittsburg to Sacramento or Lodi; and the aforementioned commodities and aluminum plate or sheet from Pittsburg to San Leandro or San Jose;<sup>1</sup> and (2) as a highway permit carrier, to deviate from the provisions of Minimum

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<sup>1</sup> Petitioner's rates are set forth in Pacific Motor Tariff Bureau, Inc., Local and Joint Freight and Express Tariff No. 8-A, Cal. P.U.C. No. 1.

Rate Tariff 2 in connection with the transportation of aluminum plate or sheet and can ends (in straight shipments) from Pittsburg to Sacramento and Lodi and can ends (in straight shipments) from Pittsburg to San Leandro and San Jose for Continental Can Company.<sup>2</sup>

The application and petition are based on special circumstances and conditions detailed therein.

Revenue and expense data submitted by applicant and petitioner indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The application and petition were listed on the Commission's Daily Calendar of September 22, 1976. No objection to the granting of the application and petition has been received.

In the circumstances, the Commission finds that the proposed rates are reasonable and justified by transportation conditions. A public hearing is not necessary. The Commission concludes that the application and petition 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 relief.

IT IS ORDERED that:

1. Frank's Trucking is authorized to publish and file in Pacific Motor Tariff Bureau, Inc., Local and Joint Freight and Express Tariff No. 8-A, Cal.P.U.C. No. 1, rates as shown in Appendix A attached hereto and by this reference made a part hereof. The rates authorized herein shall be published to expire one year after the effective date of this order.

<sup>2</sup> The present rates, exclusive of applicable surcharges, and the proposed rates in cents per 100 pounds for representative 96,000-pound shipments are:

<u>Commodities</u>	<u>From Pittsburg To</u>	<u>Present Rates</u>	<u>Proposed Rates</u>
Can Ends	Lodi	54	25
Can Ends	Sacramento	62	35
Tin Plate	San Leandro	51	24
Tin Plate	San Jose	56	28

2. Tariff publications authorized to be made as a result of this order may be made effective on one day's notice to the Commission and to the public.

3. Frank's Trucking is hereby authorized to depart from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

4. Frank's Trucking is authorized to perform the transportation shown in Appendix B attached hereto and by this reference made a part hereof at not less than the rates set forth therein.



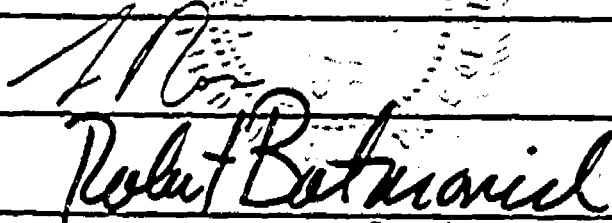
5. The authority granted in ordering paragraph 4 above shall expire one year after the effective date of this order.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 26<sup>th</sup> day of October, 1976.

I dissent  
William Synoux, Jr.  
Commissioner

I abstain  
Yervon L. Sturgeon  
Commissioner

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

APPENDIX A

Carrier: Frank's Trucking

Commodities: Plain, coated, lacquered, painted, lithographed or printed NOI tin mill black plate, tin plate, terne plate, or chrome plated black plate; aluminum plate or sheet; and can ends, steel, tin or aluminum (moving in mixed shipments).

From: Pittsburg

To:		<u>Rates in Cents Per 100 Pounds</u>
San Leandro		24
San Jose		28

Commodities: Plain, coated, lacquered, painted, lithographed or printed NOI tin mill black plate, tin plate, terne plate, or chrome plated black plate; and can ends, steel, tin or aluminum (moving in mixed shipments).

From: Pittsburg

To:		<u>Rates in Cents Per 100 Pounds</u>
Sacramento		35
Lodi		25

Conditions:

1. Each shipment shall be two (2) truckloads; minimum weight shall be 96,000 pounds per shipment; more than one shipment per day may be shipped.
2. Shipments shall be power-loaded and unloaded at no expense to carrier.
3. Shipments may be a mix of any of the above commodities.
4. There shall be no split-delivery shipments under these rates.
5. If shipper or a receiver fails to load or unload within one hour of the scheduled time or the actual arrival time, whichever time is later, shipper will pay a detention charge of \$10.00 per hour based on one quarter hour increments or any fraction thereof.
6. Freight charges shall be prepaid by shipper.
7. Return shipments of skids, pallets and wrappings as well as other return movements will be transported under the rates in Pacific Motor Tariff Bureau, Inc., Tariff No. 8-A; Cal.P.U.C. No. 1.
8. In all other respects, the rates and rules in Pacific Motor Tariff Bureau, Inc., Tariff 8-A shall apply.

(END OF APPENDIX A)

A. 56766 & C. 5432 (Pet. 919)

APPENDIX B

Carrier: Frank's Trucking

Shipper: Continental Can Company

Commodities: Aluminum Plate or Sheet and Can Ends  
(moving in straight shipments).

From: Pittsburg

To:	<u>Rates in Cents Per 100 Pounds</u>
Lodi	25
Sacramento	35

Commodity: Can Ends (moving in straight shipments).

From: Pittsburg

To:	<u>Rates in Cents Per 100 Pounds</u>
San Leandro	24
San Jose	28

Conditions:

1. Each shipment shall be two (2) truckloads; minimum weight shall be 96,000 pounds per shipment; more than one shipment per day may be shipped.
2. Shipments shall be power loaded by Continental Can Company at no expense to carrier.
3. Shipments shall be power unloaded by consignee at no expense to carrier.
4. There shall be no split delivery shipments under these rates.
5. If shipper or a receiver fails to load or unload within one hour of the scheduled time or the actual arrival time, whichever time is later, shipper shall pay a detention charge of \$10.00 per hour based on one quarter hour increments or any fraction thereof.
6. Freight charges shall be paid by Continental Can Company.
7. Return shipments of skids, pallets and wrappings as well as other return movements shall be transported under the rates in Minimum Rate Tariff 2.
8. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX B)