

Decision No. 86701

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Commercial Transfer Incorpo-)
rated, a California corporation)
for authority to deviate from)
minimum rates for the transporta-)
tion of LUMBER and FOREST PRODUCTS)
HUMUS, BARK, SAWDUST, and WOOD)
SHAVINGS, for WICKES FOREST INDUS-)
TRIES, Shipper, pursuant to)
Section 3666 of the Public Utili-)
ties Code.)

Application No. 56679
(Filed August 5, 1976)

OPINION AND ORDER

By this application, Commercial Transfer Incorporated, a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of lumber and forest products, humus, bark, sawdust and wood shavings for Wickes Forest Industries between the shipper's plants at or near Dinuba, Chowchilla, Auberry and Emmert, on the one hand, and points

within the Los Angeles Basin Territory and San Diego County, on the other hand.¹

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

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

The application was listed on the Commission's Daily Calendar of August 6, 1976. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application 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.

¹ The present rates, excluding the applicable surcharges, and the proposed rates in cents per 100 pounds for representative 50,000-pound shipments of the aforementioned commodities are:

<u>Miles</u>		<u>Shingles, Pilings and Posts</u>		<u>Boards, Sheets and Plywood</u>	
<u>Over</u>	<u>But Not Over</u>	<u>Present Rates</u>	<u>Proposed Rates</u>	<u>Present Rates</u>	<u>Proposed Rates</u>
200	220	68	54	67	52
300	325	84	71	82	70
400	425	95	82	92	79
		<u>Lumber, Ties and Timbers</u>		<u>Gardening or Land-scaping Products</u>	
<u>Over</u>	<u>But Not Over</u>	<u>Present Rates</u>	<u>Proposed Rates</u>	<u>Present Rates</u>	<u>Proposed Rates</u>
200	220	64	51	64	60
300	325	79	68	75	70
400	425	86	75	88	82

A. 56679 - FN/HK

IT IS ORDERED that:

1. Commercial Transfer Incorporated, a corporation, 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 is the date hereof.

Dated at San Francisco, California, this 30th day of November, 1976.

*I will file dissent
William Synovis, Jr.*

President

Thomas J. Sturgeon

W. B. ...

Robert ...

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

Commercial Transfer Incorporated, a corporation, is authorized to transport the commodities hereinafter described for Wickes Forest Industries between the shipper's plants at or near Dinuba, Chowchilla, Auberry and Emmert (Pinedale), on the one hand, and points within the Los Angeles Basin Territory and San Diego County, on the other hand, subject to the following rates and conditions:

Lumber and Forest Products as Described in and Subject to the Provisions of Item 685 of Minimum Rate Tariff 2

Rates in Cents Per 100 Pounds

<u>Miles</u>		<u>List A</u>	<u>List B</u>	<u>List C</u>
<u>Over</u>	<u>But not Over</u>	<u>Minimum Weight 50,000 Pounds</u>	<u>Minimum Weight 50,000 Pounds</u>	<u>Minimum Weight 50,000 Pounds</u>
200	220	54	52	51
220	240	57	56	55
240	260	62	60	56
260	280	65	63	60
280	300	69	66	63
300	325	71	70	68
325	350	72	71	70
350	375	76	74	71
375	400	80	78	74
400	425	82	79	75

Gardening or Landscaping Products and Litter as Described in Item 370 of Minimum Rate Tariff 2, Subject to a Minimum Weight of 50,000 Pounds

<u>Miles</u>		<u>Rates in Cents Per 100 Pounds</u>
<u>Over</u>	<u>But not Over</u>	
200	220	60
220	240	60
240	260	61
260	280	66
280	300	68
300	325	70
325	350	72
350	375	75
375	400	77
400	425	82

Conditions:

1. Shipments shall be power loaded by shipper and power unloaded by consignee without assistance of, or expense to, the carrier.
2. Shipments shall be prepaid by the shipper.
3. Applicant has not indicated that 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 without any deduction for use of applicant's trailing equipment.
4. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)

16, 7, 17
A. 56612 - D.
GUTHMILLER TRUCKING, INC.

A. 56679 - D.
COMMERCIAL TRANSFER INC.

COMMISSIONER WILLIAM SYMONS, JR., Dissenting

These decisions granting deviations are defective for the reasons previously set forth in detail in my August 24, 1976, dissenting opinion to Decision Nos. 86274 through 86279. The decisions are made effective immediately, and they contain the boiler-plate language which is becoming so common in these decisions:

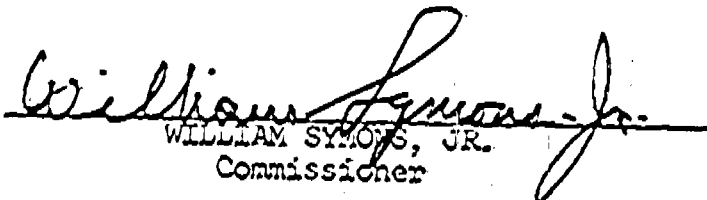
"The application is based on special circumstances and conditions detailed thereon."

and

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

Thereby, the majority avoids setting forth any facts about the special circumstances of the transportation which a person might review to see if the deviation is justified.

San Francisco, California
November 30, 1976


WILLIAM SYMONS, JR.
Commissioner