

ORIGINAL

Decision No. 87118

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica- )  
tion of G. I. TRUCKING COMPANY, )  
a California corporation, for )  
an extension of its certificate )  
of public convenience and ne- )  
cessity to operate as a highway )  
common carrier for the trans- )  
portation of property in intra- )  
state and interstate and )  
foreign commerce, and for an in )  
lieu certificate of public con- )  
venience and necessity )  
therefor. )

Application No. 53306

ORDER GRANTING PETITION  
FOR MODIFICATION

By its petition filed November 12, 1976, as amended by petition filed December 27, 1976, G. I. Trucking Company seeks modification of its highway common carrier certificate. It seeks to exclude therefrom the authority to enter into written contracts for the leasing of equipment with driver for the exclusive use of a vehicle or combination of vehicles pursuant to applicable hourly, daily, weekly, monthly or yearly vehicle unit rates. It also seeks to cancel any unit rates, rules and regulations applicable to such from its tariff by adding the following restriction:

- 9. Leasing of equipment with driver to a shipper(s) under written contract(s) for the exclusive use of a vehicle or combination of vehicles at hourly, daily, weekly, monthly or yearly vehicle unit rates.

Petitioner alleges that the cost of operating the vehicles at unit rates varies substantially with the type, size, and age of the equipment required by the contracting party. It

is impractical and uneconomical to attempt to publish rates in a tariff to meet the great variety of circumstances necessary to satisfy the needs of the contracting party. Some highway common carriers are willing to provide equipment at unit rates only if the customer will take the usual type of equipment used in the ordinary service of highway common carriage. This carrier wishes to accommodate the special requirements of particular shippers and must have the flexibility to obtain the particular equipment, which meets a shipper's needs, and charge what it is worth. The variations of required equipment specifications affect the cost of the equipment and therefore the relative rental value thereof. Further the applicant is not always aware of the identity of the articles transported under these arrangements. Bills of lading which list the commodities included in shipments and thereby provide a basis for the application of rates are not required when MRT 15 equipment unit rates are assessed. By removing from applicant's certificate its right to enter into such written contracts at unit rates, it will be in a position to assess rates at or above those established pursuant to Section 3662 of the Public Utilities Code or, where reasonable, seek deviations from established minimum rates pursuant to Section 3666 supra.

The petition and the amendment thereto were listed on the Commissions Daily Calendar of November 16 and December 29, 1976, respectively. No protests have been received. After consideration the Commission finds that the leasing of equipment with driver(s) to shipper(s) at unit rates is a rental service without regard to the kind of commodities loaded into the vehicle, whether any commodities are loaded in the vehicle, whether the equipment is idle portions of the time during the period of the contract or whether

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the equipment is loaded or empty when idle. The Commission concludes that the petition should be granted. A public hearing is not necessary.

IT IS ORDERED that:

1. Appendix A of Decision 81389 dated May 15, 1973, in Application 53306 is hereby amended by incorporating therein First Revised Page 3 attached hereto and made a part hereof in place of Original Page 3.

2. Within sixty days after the effective date of this order and on not less than ten days' notice to the Commission and the public, petitioner shall amend its tariffs presently on file with this Commission to reflect the authority herein granted.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco California, this 22nd day of MARCH 1977.

*L. Abetani*  
*Richard D. Gualter*  
Commissioner

*Rafael Balena*  
\_\_\_\_\_  
President  
*William J. ...*  
\_\_\_\_\_  
*Vernon L. ...*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

- \*9. Leasing of equipment with driver to a shipper(s) under written contract(s) for the exclusive use of a vehicle or combination of vehicles at an hourly, daily, weekly, monthly, or yearly vehicle unit rates.

NOTE A

TERRITORIAL DESCRIPTION  
(being a portion of the Los Angeles Basin Territory)

BEGINNING at the point where State Highway 118 intersects with State Highway 27 at Chatsworth; easterly along State Highway 118 to Interstate Highway 405; northerly along Interstate Highway 405 to Rinaldi Street; easterly on Rinaldi Street and Workman Street; westerly and northerly along the boundary of the City of San Fernando and its prolongation to the boundary of the Angeles National Forest; easterly and southerly along the boundary of the Angeles National Forest and San Bernardino National Forest to Interstate Highway 15; southerly along Interstate Highway 15 to Interstate Highway 10; easterly along Interstate Highway 10 to and including the City of Redlands; southeasterly along an imaginary line to the intersection of State Highway 60 and Interstate Highway 15; southerly on Interstate Highway 15 to Cajalco Road; westerly on Cajalco Road to Mockingbird Canyon Road; northerly on Mockingbird Canyon Road and Van Buren Boulevard to State Highway 91; southerly and westerly along State Highway 91 to State Highway 55; southerly along State Highway 55 to and including Balboa; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of State Highway 1 and State Highway 27; thence northerly along State Highway 27 to the point of beginning.

(END OF APPENDIX A.)

Issued by California Public Utilities Commission.

\*Amended by Decision 87118 Application 53306.