

DC/anv*

Decision No. 87198

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of JOSEPH ORVAL SMITH, an indi-)
vidual, for authority to deviate)
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, for transporta-)
tion performed for FAR WEST FIR)
SALES COMPANY.)

Application No. 57008
(Filed January 14, 1977)

OPINION AND ORDER

By this application, Joseph Orval Smith requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with transportation of lumber and forest products for Far West Fir Sales Company between various California points.

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

The application was listed on the Commission's Daily Calendar of January 17, 1977. California Trucking Association opposed the ex parte consideration of the application stating the annual depreciation of \$6,766 and net income of \$1,829 are not sufficient to retire the \$40,000 balance due on equipment; however, the seven year period applicant has used for historical life of equipment in determining depreciation is reasonable. Revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rate.

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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.

IT IS ORDERED that:

1. Joseph Orval Smith 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 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th day of April, 1977.

I dissent.
 William J. Lyons
 Commissioner

I dissent, I would
 grant a hearing
 Vernon L. Sturgeon
 Commissioner

Robert B. ...
 President



...

Richard D. ...
 Commissioners

- APPENDIX A

Carrier: Joseph Orval Smith
Commodity: Lumber and Forest Products
For: Far West Fir Sales Company
Rate: Forty-six (46) cents per running mile, loaded or empty (includes all miles necessary to reach pick up points, transport the shipment and complete deliveries).
Minimum charge: The charge for 130,000 miles per year. Minimum monthly payment for 10,000 miles to be applied to the annual minimum.

Conditions:

1. The equipment shall consist of a truck and trailer and shall be operated by applicant exclusively in the above-described service.
2. 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 rate authorized herein without any deduction for use of applicant's trailing equipment.
3. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)