

ORIGINAL

Decision No. 87321

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of VINCENT GANDUGLIA)
TRUCKING, a corporation, for an)
order authorizing departure from)
the rates, rules and regulations)
of Minimum Rate Tariff No. 2 in)
connection with certain trans-)
portation performed for FRESNO)
IRON and METAL CO., INC.)

Application No. 57280
(Filed May 5, 1977)

OPINION AND ORDER

By this application, Vincent Ganduglia Trucking, a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of flattened or crushed automobile bodies for Fresno Iron and Metal Co., Inc. (Fresno Iron) from Fresno to Bakersfield.

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 rates.

The application was listed on the Commission's Daily Calendar of May 6, 1977. No objection to the granting of the application has been received.

By Decision 85789, the Commission exempted the transportation of flattened or crushed automobile bodies from the provisions of Minimum Rate Tariff 2. During the period when

the exemption was in effect, applicant entered into a contractual arrangement with Fresno Iron to transport the aforementioned commodity at a rate of 27.5 cents per 100 pounds from Fresno to Bakersfield. Fresno Iron relied upon the above rate quoted by the applicant to enter into a contract with Golden State Metals Co. of Bakersfield whereby Fresno Iron became obligated to sell, and Golden State Metals Co. to buy, 1000 tons of flattened automobile bodies to be delivered by Fresno Iron at Bakersfield before June 1, 1977, at a delivered price of \$40.00 per ton. By Decision 87236, the Commission has subsequently removed the said exemption, as a result of a decision rendered by the California Supreme Court, thereby making the transportation of flattened or crushed automobile bodies subject to the applicable minimum rates. Applicant is now forced to charge Fresno Iron the applicable minimum rate on the involved commodity and Fresno Iron will consequently incur a loss of \$2.80 per ton on all remaining shipments thereof to fulfill this contract unless the sought authority is granted.

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. Vincent Ganduglia Trucking, 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 rate set forth therein.

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2. The authority granted herein shall expire with June 30, 1977, 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 10th day of MAY, 1977.

I dissent as to the effective date -
William Squors Jr.
Commissioner

Robert Bakiewicz

President

Vernon L. Sturgeon

Richard P. Howell

Commissioners

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APPENDIX A

T-69,303

Carrier: Vincent Ganduglia Trucking
Commodity: Flattened or crushed automobile bodies.
For: Fresno Iron and Metal Co., Inc.
Origin: Facilities of Fresno Iron and Metal Co., Inc.,
Fresno.
Destination: Facilities of Golden State Metals Co.,
Bakersfield.
Rate: 27.5 Cents per 100 Pounds
Minimum Weight: 50,000 pounds per unit of carrier's
equipment.

In all other respects, the rates and rules set
forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)