

ORIGINAL

Decision No. 87391 May 24, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of M.A.P. TRANSPORTATION, INC.,)
a California corporation, for an)
Order authorizing Applicant to)
Deviate from certain Minimum)
Rates on shipments of glass,)
pursuant to Section 3666 of the)
Public Utilities Code.)

Application No. 56837
(Filed October 29, 1976)
(Amended March 3, 1977)

INTERIM OPINION AND ORDER

By this application, as amended, M.A.P Transportation, Inc. requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of glass, flat, not bent, for Libbey-Owens-Ford Company from Lathrop and for P.P.G. Industries, Inc. from Fresno to various points in the Los Angeles Basin Territory.

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

The application and amendment were listed on the Commission's Daily Calendars of November 2, 1976 and March 7, 1977. California Trucking Association (CTA) objected to the ex parte handling of this matter stating:

"The lump sum cost figures of Applicant are not developed in a manner sufficient to determine the extent to which they are related to requirements of law. The one month cost study is inconclusive without opportunity to test the various lump sum figures for reliability."

Murchison & Davis, attorneys for applicant replied, in part, to CTA's objection as follows:

***Mr. Kaspar overlooks a number of important considerations in commenting on the pending Application.

"First, no mention is made of any particular carrier or carriers, if any, which Mr. Kaspar purports to represent and who might be prejudiced by the granting of the Application on an ex parte basis.

"Second, if a hearing were granted as he requests, no carrier testimony would be presented and the record would be burdened with laborious extended cross-examination of the Applicant on the most miniscule items with never any evidence as to what adverse effect the granting of the Application could possibly have on any carrier or carriers.

"Third, Mr. Kaspar continues to overlook Rule 87 which calls for a liberal construction of the Rules in order to secure just, speedy and inexpensive determination of the issues.

"The Applicant is a small carrier and as in the case of all small businesses where the owner can watch the operation in person, no elaborate cost accounting can possibly be justified from an expense standpoint, and, in any event, is unnecessary. Even the large carriers doing in excess of a \$10,000,000 annual volume, do not have the elaborate cost accounting that Mr. Kaspar suggests should be provided by Applicant. Only the giant Public Utilities, who operate under monopolies, can afford and should justify rate changes since they have no competition and the changes affect millions of people.

"The opposition that Mr. Kaspar is intended to discourage the smaller carrier from meeting the requirements of his business and ultimately put him out of business.

"Regulation is for protection of the public and not for the protection of few individuals or to satisfy some impractical theories of cost accounting which are burdensome to a small carrier. The net effect of Applicant's proposal could hurt no one under such circumstances, Applicant should be allowed to meet the needs of his two important shippers on a single commodity."

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In the circumstances, the Commission finds that applicant's proposal is reasonable on a temporary basis pending hearing and any further delay in this matter may cause applicant to experience undue hardship. The Commission concludes that the application, as amended, 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. M.A.P. Transportation, Inc. 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.
- 3. A public hearing shall be scheduled on this application at a date to be set.

The effective date of this order is the date hereof.

Dated at Los Angeles, California, this 24th day of MAY, 1977.

I concur as to the conclusion but not as to the effective date hereof.
William Aguirre Jr.

Commissioner

President

Vernon L. Sturgeon

Robert D. Good

Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding:

APPENDIX A

M.A.P. Transportation, Inc. is authorized to transport glass, flat, not bent, as described in Item 86730 Subs 1 and 2 of National Motor Freight Classification NMF 100-D for Libbey-Owens-Ford Company at Lathrop and for P.P.G. Industries, Inc. at Fresno to various points in the Los Angeles Basin Territory subject to the following conditions:

1. Rates in cents per 100 pounds

<u>From</u>	<u>Rate</u>
Lathrop	(1) 100 (2) 111
Fresno	(1) 68

(1) Applies only on glass, flat, not bent, exceeding 220 united inches, but not exceeding 15 feet in length nor 9 feet in breadth.

(2) Applies only on glass, flat, not bent, exceeding 15 feet in length or 9 feet in breadth.

2. Minimum weight 50,000 pounds per shipment.
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 set forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)