

ORIGINAL

Decision No. 87415 - June 1, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
 of J. Hawkins Trucking for)
 authority to depart from the)
 rates, rules and regulations of)
 Minimum Rate Tariff No. 2 under)
 provisions of Section 3666 of the)
 Public Utilities code, for the)
 Transportation of Paper: Paper,)
 Computing Machine (150650);)
 Paper, Forms Printed NOI)
 (153250-Sub 1) for Wallace)
 Business Forms, Inc.)

Application No. 56879
 (Filed November 17, 1976)

OPINION AND ORDER

By this application, J. Hawkins Trucking requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of printed paper and computing machine paper for Wallace Business Forms, Inc., from San Luis Obispo to various points in California.

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 November 18, 1976. California Trucking Association protests the granting of the application stating:

"Although presented as an application for a deviation under Section 3666 of the Public Utilities Code, Applicant is in fact seeking an exception rating to be made applicable for his exclusive use on the various commodities sought to be shipped by Wallace Business Forms.

"The Commission has set up a standard procedure for handling of classification proceedings and the establishing of exception ratings on intrastate traffic in California, and such procedures should apply in connection with subject application."

Less-than-minimum-rate authorities have not been strictly confined to rates for specific units of measurement but have, in the past, also been granted as ratings or percentages of ratings which are lower or different than the applicable rates or ratings.¹

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. J. Hawkins Trucking 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.

¹ Devine & Son Trucking Company, Decision 83483 in Application 54991 (Unreported), Bayview Trucking, Inc., Decision 84438 in Application 54301 (Unreported) and Central Coast Truck Service, Inc., Decision 86037 in Application 56405 (Unreported).

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The effective date of this order is the date hereof.

Dated at San Francisco, California, this 1st
day of JUNE, 1977.

I dissent.
William J. Gurnea Jr.

Commissioner

Robert B. Baker

President

Vernon L. Sturgeon
Richard D. Chavala

Commissioners

APPENDIX A

J. Hawkins Trucking is authorized to transport Paper, as described in Items 150600, 150650, 150652 and 150654 and Paper Articles, as described in Items 153250 and 153252 of National Motor Freight Classification NMF 100-D; for Wallace Business Forms, Inc., from San Luis Obispo to various points in California subject to the following ratings:

Less truckload	Class 50
Truckload:		
Minimum Weight	45,000 pounds Class 35.3

CONDITIONS:

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

(END OF APPENDIX A)