

ORIGINAL

Decision No. 87451 June 7, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of KARL B. HERTZ, doing business)
as KARL B. HERTZ TRANSPORTATION,)
Pomona, California, for Authority)
to Deviate from Certain Minimum)
Rates Pursuant to Section 3666)
of the California Public)
Utilities Code for Transporta-)
tion performed for Hampton)
Lumber Sales Company, a corpora-)
tion, doing business as All)
Coast Forest Products Company.)

Application No. 57062
(Filed February 8, 1977)
(Amended April 19, 1977)

OPINION AND ORDER

By this application, as amended, Karl B. Hertz, doing business as Karl B. Hertz Transportation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of lumber and forest products between points throughout California for Hampton Lumber Sales, Inc., a corporation, doing business as All Coast Forest Products Company.

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 and amendment were listed on the Commission's Daily Calendar of February 9, 1977 and April 21, 1977, respectively. California Trucking Association (CTA) objected to the ex parte handling of this matter stating that the application should be set for hearing in conjunction with the anticipated public hearings covering the Commission staff study of lumber and forest products.

Applicant's proposal is not unlike other requests that have been granted and should not be delayed pending CTA's suggestion.

Applicant is placed on notice that, should his operations for Hampton Lumber Sales, Inc. be between fixed termini or over a regular route, he should apply for a highway contract carrier permit.

In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. 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. Karl B. Hertz 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 7th day of JUNE, 1977.

I dissent.

William Sycrow Jr.
Commissioner

Robert Bateman

President

Vernon L. Sturgeon

Richard D. Chavall

Commissioners

APPENDIX A

Karl B. Hertz is authorized to transport lumber and forest products as described in Item 685 of Minimum Rate Tariff 2 for Hampton Lumber Sales, Inc., doing business as All Coast Forest Products Company, between points throughout California subject to the following conditions:

1. The minimum rate to be assessed shall be not less than eighty-five (85) percent of the base rate as provided in Item 690, 691 or 710 of Minimum Rate Tariff 2 and the resulting charge shall be subject to the applicable surcharges.
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 rates 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)