

ORIGINAL

Decision No. 87798 AUG 30 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
 of ERNEST H. BEAN and VERNA H.)
 BEAN a co-partnership doing)
 business as E. H. BEAN TRUCKING,)
 for an order to depart from the)
 rates, rules, and regulations of)
 Minimum Rate Tariff #1-B, Minimum)
 Rate Tariff #9, Minimum Rate)
 Tariff #2, Minimum Rate Tariff)
 #19 and Classification #1 under)
 the provision of the Highway)
 Carrier's Act.)

Application No. 57263
 (Filed April 28, 1977)

OPINION AND ORDER

By this application, Ernest H. Bean and Verna H. Bean, doing business as E. H. Bean Trucking, request authority to quote rates and assess charges based on units of measurement different than those specified in Minimum Rate Tariffs 2, 1-B, 9-B and 19.

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 April 29, 1977. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicants' 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 relief.

IT IS ORDERED that:

1. Ernest H. Bean and Verna H. Bean, are hereby authorized to quote rates and assess charges in units of measurement different from that in which the minimum rates and charges are stated in Minimum Rate Tariffs 1-B, 2, 9-B, and 19 with respect to the following transportation services:

- (a) Commodities, the transportation of which because of size, weight, or shape require the use of special equipment, and commodities not of unusual size, weight, or shape when their transportation is incidental to the transportation by applicants of commodities which by reason of size, weight, or shape require special equipment.
- (b) The entire contents of a plant or warehouse from an old location to a new location which involves the transportation of some articles which, because of their size, weight, or shape require the use of special equipment, together with all other items involved in the same move which are not of such character.

2. The freight charges assessed under the authority granted in Ordering Paragraph 1 shall not be less than those which would have been assessed had the rates and charges stated in the otherwise governing minimum rate tariffs been applied.

3. Ernest H. Bean and Verna H. Bean, shall retain and preserve copies of their freight bills, subject to the Commission's inspection for a period of not less than three years from the dates of issuance thereof; and that each such copy of its freight bills shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied and the full information necessary for an accurate determination of the charges under the otherwise governing minimum rates.

4. The authority granted herein shall expire one year after the effective date of this order unless sooner canceled, modified, or extended.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th day of AUGUST, 1977.

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

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

William J. Gerson President
Leon L. Stryker
Robert D. Greville

Commissioners