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ORIGINAL

Decision No. 87903 SEP 27 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
GUTHMILLER TRUCKING, INC., a )  
California corporation, for authority )  
to deviate from the provisions of )  
Minimum Rate Tariff Number 2 in )  
connection with the transportation )  
of glass bottles, carboys, demijohns )  
and jars for GLASS CONTAINER )  
CORPORATION, pursuant to the )  
provisions of Section 3666 of the )  
California Public Utilities Code. )

Application No. 56185  
(Filed January 8, 1976;  
amended May 3, 1976)

In the Matter of the Application of )  
MCM TRANSPORTATION CO., a partnership )  
for authority to deviate from the )  
provisions of Minimum Rate Tariff )  
Number 2 in connection with the )  
transportation of glass bottles, )  
carboys, demijohns and jars for )  
GLASS CONTAINER CORPORATION, )  
pursuant to the provisions of )  
Section 3666 of the California )  
Public Utilities Code. )

Application No. 56232  
(Filed January 26, 1976;  
amended May 10, 1976)

OPINION AFTER LIMITED REHEARING

By Decision No. 87273 dated April 26, 1977, rehearing of Decision No. 86865, which denied the instant applications, was granted limited to the filing of briefs by parties who so desired. Applicants could file briefs or elect to stand on their petitions for rehearing. Applicants have elected to stand on their petitions for rehearing previously filed. The California Trucking Association filed its brief on May 26, 1977.

Since the issuance of Decision No. 86865 certain events have occurred which are related to the instant applications as follows:

1. On April 19, 1977, the Commission's Transportation Division issued a document entitled, "Report Recommending That Interim Commodity Rates For the Transportation of Glass Containers Be Added to Minimum Rate Tariff 2".
2. On April 20, 1977, the California Trucking Association, in Case No. 5432, Petition 967, filed for an exception rating for the transportation of glass bottles.
3. Very recently, the Pacific South Coast Freight Bureau, on behalf of various railroads, made permanent the California intrastate commodity rates that would apply to the traffic involved in this application.

Until such time as commodity rates for glass containers are established in Minimum Rate Tariff 2, requests for deviations from the minimum rates should be granted when such requests are shown to be compensatory.

Evidence presented at the hearings by applicants (Exhibits 14, 37, 38, and 39) discloses that transportation at the proposed rates will be compensatory to applicants and also to subhaulers provided subhaulers are paid no less than 70 percent of the proposed rates.

The Commission finds that the proposed rates are compensatory, reasonable, and justified.

The Commission concludes that the applications should be granted and that the effective date of this order should be the date on which it is signed because there is an immediate need for rate relief.

Since conditions under which the service is performed may change at any time, the authority granted in the ensuing order will expire at the end of one year unless sooner canceled, modified, or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Gutmiller Trucking, Inc. and MGM Transportation Co. are authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 by charging not less than those rates set forth in Appendix A of this decision. This authority does not include any deviation from any rates, rules, and regulations except as specifically set forth in Appendix A.

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

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup>  
day of SEPTEMBER, 1977.

*Robert Bateman*

President

*Vernon L. Sturgeon*  
*Robert D. Gravelle*  
*Clair T. DeWitt*  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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APPENDIX A  
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Carriers: Guthmiller Trucking, Inc.  
MGM Transportation Co.

Shipper: Glass Container Corporation  
Fullerton, California

Commodity: Glass bottles, carboys, demijohns, or jars, other than cut, with or without their equipment of caps, covers, stoppers, or tops, one gallon or less in capacity.

Service and Rates:

1. From the plants and facilities of Glass Container Corporation at Hayward and Antioch to points in the following:

(a) Counties - Los Angeles  
Orange  
Ventura

(b) Cities and towns - Corona  
Cucamonga  
Guasti  
Mira Loma  
Ontario  
San Bernardino

Applicable rates per hundred pounds:

Minimum weight 30,000 lbs. - \$1.00  
Minimum weight 35,000 lbs. - \$ .93  
Minimum weight 40,000 lbs. - \$ .86

2. From the plant and facility of Glass Container Corporation at Vernon to points in the following counties:

Alameda	San Mateo
Contra Costa	Santa Clara
Madera	Santa Cruz
Sacramento	Solano
San Francisco	Stanislaus
San Joaquin	

Applicable rates per hundred pounds:

Minimum weight 30,000 lbs. - \$1.00  
Minimum weight 35,000 lbs. - \$ .93  
Minimum weight 40,000 lbs. - \$ .86

Conditions:

- a. The proposed rates shall be increased by the 3 percent surcharge pursuant to Decision No. 85755, but the Central Coast surcharge (Supplement 75 to Minimum Rate Tariff 2), the 1 percent surcharge of Supplement 119 to Minimum Rate Tariff 2, and any surcharges granted by the Commission after May 18, 1976 shall not apply.
- b. Rates above shall apply to single unit of equipment only and shall not apply where there is a split pick-up or a split delivery.
- c. To the extent not otherwise specifically provided, the provisions of Minimum Rate Tariff 2 shall apply.
- d. In the event subhaulers are employed they shall be paid no less than 70 percent of the rates authorized herein without any deduction for use of carriers' trailing equipment.