

Decision No. 87933 SEP 27 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of M G M TRANSPORTATION CO. a)
Partnership for authority to)
deviate from the provisions of)
Minimum Rate Tariff No. 2 in)
connection with the transporta-)
tion of glass, (sic) bottles,)
demijohns and jars for KERR)
GLASS MANUFACTURING CORPORATION,)
pursuant to the provisions of)
Section 3666 of the California)
Public Utilities Code.)

Application No. 56632

SUPPLEMENTAL OPINION AND ORDER

By Decision 86560, dated October 26, 1976, Michael Maddock, Gary Gileno and Thomas D. Alexander, Jr. doing business as M G M Transportation Co. (M G M), a partnership, were granted authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of glass bottles, demijohns and jars for Kerr Glass Manufacturing Corporation from Santa Ana to various points.¹

On April 1, 1977, M G M filed a petition for modification of Decision 86560, requesting removal of condition (b), subhaul restriction, from Appendix A of said decision.

The petition for modification of Decision 86560 was listed on the Commission's Daily Calendar of April 5, 1977. California Trucking Association (CTA) objected to the ex parte handling of this matter. CTA's protest deals with the costs provided by the two sub-haulers as not being representative of other subhaulers.

¹The radial highway common carrier and highway contract carrier permits of Michael Maddock, Gary Gileno and Thomas D. Alexander, Jr. have been transferred from them to M G M Transportation Co., Inc., a corporation, and the authority granted by Decision 86560 has been concurrently transferred to said corporation.

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Consistent with the Commission's policy the order will limit subhaulers' payment only to the carriers indicated.

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. Applicant contemplates the use of subhaulers Gene Keller T-114,846 and Bill Maples T-108,656, with remuneration at 70 percent of the deviated rates. The provision for the payment to subhaulers Gene Keller and Bill Maples only has been justified and will be authorized. 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:

Decision 86560 is hereby amended by substituting for Appendix A thereof Amended Appendix A which is attached hereto and by this reference made a part hereof.

In all other respects, Decision 86560 shall remain in full force and effect.

The authority granted herein shall become effective on the date carrier has on file with the Commission a subhaul bond pursuant to General Order 102 series.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27th day
of SEPTEMBER, 1977.

Robert B. Korman
President

I dissent
Vernon L. Sturgeon

Richard D. Givale
Clair T. Deane
Commissioners

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

AMENDED APPENDIX A

T-115,591

M G M Transportation Co., Inc., a corporation, is authorized to transport palletized shipments of glass bottles, demijohns and jars (as described in Item 87700 of the National Motor Freight Classification NMF 100-D) for Kerr Glass Manufacturing Corporation at the following rates:

From Santa Ana To	<u>Rates in Cents Per 100 Pounds</u> <u>Minimum Weight in Pounds</u>		
	<u>35,000</u>	<u>40,000</u>	<u>45,000</u>
Fresno	93	88	83
Orland	150	145	140
Sacramento	116	105	97
Santa Rosa	125	120	115
Sebastopol	125	120	115
Sonoma	125	120	115
Visalia	85	80	75

The Counties
Of:

Alameda)			
Contra Costa)			
Monterey)			
San Francisco)	98	93	88
San Joaquin)			
San Mateo)			
Santa Clara)			
Santa Cruz)			

Conditions:

- (a) Shipments shall be loaded by shipper and unloaded by consignee without assistance of, or expense to, the carrier.
- (b) If subhaulers Gene Keller T-114,846 and/or Bill Maples T-108,656 are employed, they shall be paid no less

AMENDED APPENDIX A

than 70 percent of the rates authorized herein without any deduction for use of the overlying carrier's trailing equipment. If other subhaulers are employed, they shall be paid no less than the rates authorized herein without any deduction for use of the overlying carrier's trailing equipment.

- (c) In all other respects, the rates and rules set forth in Minimum Rate Tariff 2 shall apply.

(END OF AMENDED APPENDIX A)