

Decision No. 87910 SEP 27 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application)
of Michael Maddock, Gary Gileno)
and Thomas D. Alexander, Jr.,)
dba 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 bottles for)
OWENS-ILLINOIS GLASS CONTAINER)
DIVISION, INC., pursuant to the)
provisions of Section 3666 of)
the California Public Utilities)
Code.)

Application No. 56671

SUPPLEMENTAL OPINION AND ORDER

By Decision 86774, dated December 21, 1976, M G M Transportation Co., Inc. (M G M), a corporation, was granted authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of glass bottles for Owens-Illinois, Inc., from Oakland and Tracy to Buena Park and Torrance.

On April 1, 1977, M G M filed a petition for modification of Decision 86774, requesting removal of condition (d), subhaul restriction, from Appendix A of said decision. On July 18, 1977, M G M filed an amendment to the petition for modification (as an amendment also to Application 56671). The aforementioned filing requested authority to include Coca Cola Bottling Company of Los Angeles, as consignee of palletized shipments of glass bottles shipped from the plant sites of Owens-Illinois, Inc. at Oakland and Tracy at the same rates as granted by Decision 86774. Applicant asserts that the proposed deviation involves the same commodity, point of origin and the general area relative to the destination as those presently authorized. Applicant further asserts that the revenue and costs data are also identical to those submitted heretofore.

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The petition for modification of Decision 86774 and the amendment to the petition for modification were listed on the Commission's Daily Calendars of April 5 and July 20, 1977, respectively. California Trucking Association (CTA) objected to the ex parte handling of the matter. CTA's protest deals with the costs provided by the two subhaulers as not being representative of other subhaulers.

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. Applicant has provided an analysis of subhaulers' costs. The provision for the payment to subhaulers Gene Keller and Bill Maples 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 86774 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 86774 shall remain in full force and effect.

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

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The effective date of this order is the date hereof.

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

Robert Bateman
President

Richard D. Howell
Clair L. ...
Commissioners

I dissent
Vernon L. Sturgeon

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

AMENDED APPENDIX A

M G M Transportation Co. Inc., a corporation, is authorized to transport palletized shipments of glass bottles for Owens-Illinois Glass Container Division, Inc., to the facilities of:
 (1) Pepsi-Cola Bottling Co. at Buena Park and Torrance (2) Coca-Cola Bottling Company at Los Angeles, at not less than the following rates:

To Buena Park, Los Angeles and Torrance From	Rates in Cents Per 100 Pounds		
	Minimum Weight in Pounds		
	35,000	40,000	45,000
Oakland	98	93	88
Tracy	98	93	88

Conditions:

- (a) Central Coast Surcharge (Supplement 75 to Minimum Rate Tariff 2) shall not be applicable to these rates.
- (b) Rates above shall apply to single truckload shipments only.
- (c) Shipments shall be loaded by shipper and unloaded by consignee without assistance of, or expense to, the carrier.
- (d) If subhaulers Gene Keller T-114,846 and Bill Maples T-108,656 are employed, they shall be paid no less than 70 percent of the rates authorized herein without any deduction for use of applicant's trailing equipment. If other subhaulers are employed, they shall be paid not less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
- (e) In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF AMENDED APPENDIX A)