

ORIGINAL

Decision No. 87331 OCT 12 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Darrel Ware dba)	
Darrel Ware for authority to)	
deviate from Minimum Rate Tariff 2)	Application No. 57337
when transporting lumber for)	(Filed May 25, 1977)
Diamond International Corporation)	
under provision of Section 3666 of)	
the Public Utilities Code)	

OPINION AND ORDER

By this application, Darrel Ware, doing business as Darrel Ware, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of lumber and forest products for Diamond International Corporation from the vicinity of Red Bluff to various state-wide points.

The application is based on special circumstances and conditions detailed therein.

The application was listed on the Commission's Daily Calendar of May 26, 1977. The California Trucking Association objected to the ex parte handling of the matter stating that it wishes to determine at a public hearing whether, among other things, "the applicant now participates in this traffic; if" 'a service glut' now exists in this traffic"; and whether the carrier's - "lump sum figures relate to its operating experience under the proposed rates". The applicant, in a letter to the Commission, dated August 8, 1977, stated among other things that it had performed services for this shipper during the last twelve months, and if the sought authority is granted, its participation in this traffic for the aforesaid shipper will increase from less than one percent to twenty-five percent.

Upon review of the revenue and expense data submitted by the carrier and supplemented by additional data set forth in applicant's aforesaid dated letter, it appears that the transportation involved may reasonably be expected to be profitable under the proposed rates.

In the circumstances, the Commission finds that applicant's 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 rate relief.

IT IS ORDERED that:

1. Darrel Ware, dba Darrel Ware, 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 12th day of OCTOBER, 1977.

I dissent.
William Quous, Jr.

Robert Robinson
President

Vernon L. Sturgeon
Richard D. Howell
Clair J. Debrale
Commissioners

APPENDIX A

Darrel Ware, doing business as Darrel Ware, is authorized to transport shipments of lumber and forest products for Diamond International Corporation from the vicinity of Red Bluff to various statewide points, subject to the following rates and conditions:

- 1) Rates assessed shall be those rates as set forth in Item 690-Twenty-fifth Revised Page 51-CC and Item 691-Tenth Revised Page 51-CCC of Minimum Rate Tariff 2.
- 2) The rates assessed shall not be subject to any surcharges as set forth in MRT 2.
- 3) The commodities transported are subject to those listed in Item 685-Fifteenth Revised Page 51-C.
- 4) Minimum weight per shipment shall be 50,000 pounds.
- 5) Shipments shall be power loaded by shipper and power unloaded by consignee without assistance of, or expense to, the carrier.
- 6) If split delivery service is performed, the charges as set forth in Item 173-Forty First Revised Page 21 of MRT 2 shall apply, in addition to the rates as set forth above, without any applicable surcharges.
- 7) 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.
- 8) In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)