

Decision No. 88165 NOV 29 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

SWARD TRUCKING, INC.
A California Corporation)for authority to deviate from the)
provisions of Minimum Rate Tariff)
Number 2 in connection with)
transportation of recyclable scrap)
or waste paper, under the pro-)
visions of section 3666 of the)
Public Utilities Code.)Application No. 57611
(Filed October 7, 1977)
(Amended October 24, 1977)OPINION AND ORDER

By this application Sward Trucking, Inc. requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of scrap or waste paper for Independent Paper Stock Company from Long Beach, Lancaster, Sun Valley, Anaheim and Orange County to Antioch, Stockton and Newark.¹

The application, as amended, cites the following special circumstances and conditions: (1) shipments are to be power loaded by shipper; (2) freight charges are guaranteed; (3) shipments will be released to a value of \$75.00 per shipment; (4) shipments may be pre-loaded and scheduled at applicant's convenience rather than at shipper's convenience.

Applicant has for several years transported a substantial volume of traffic from Ukiah and the San Francisco Bay area for several shippers including Fibreboard Corporation. Applicant's

¹ The present minimum rates and the proposed rates in cents per 100 pounds for representative 50,000 pound shipments of scrap or waste paper are:

| <u>From</u> | <u>To</u> | <u>Present Rates</u> | <u>Proposed Rates</u> |
|-------------|-----------|--------------------------|---------------------------|
| Lancaster | Stockton | 93 | 62 |
| Long Beach | Antioch | 93 | 62 |
| Anaheim | Newark | 99 | 62 |

northbound shipments for Independent Paper Stock Company constitutes a backhaul for the aforementioned southbound traffic.

The application and amendment were listed on the Commission's Daily Calendars of October 11 and 26, 1977. California Trucking Association opposed the ex parte consideration of the application without stating any specific grounds for the protest.

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. Applicant contemplates the use of three subhaulers and has submitted cost data to justify the remuneration it proposes to pay them. However, the subhaulers that applicant proposes to use do not have current operating authority from this Commission; therefore, such operations will not be authorized. If subhaulers are engaged they shall be paid no less than the rates authorized herein. 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. Sward Trucking, Inc. 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 29th
day of NOVEMBER, 1977.

I dissent.
William J. Sproul.

Robert Batminal
President

Virginia L. Sturgeon
Charles D. Howell
Clare J. DeBrie
Commissioners

APPENDIX A

Carrier: Sward Trucking, Inc.

For: Independent Paper Stock Company

Commodity: Scrap or waste paper, not sensitized, in packages
(NMF 100-D, Item 151390 Sub. 7)

From: Independent Paper Stock Company Bel Art
at Long Beach at Anaheim

Pacific Paper Grading Bel Art
at Sun Valley at Long Beach

Pacific Paper Grading Coyote Canyon Landfill
at Lancaster in Orange County

To: Fibreboard Corporation
at Antioch and Stockton
Crown Zellerbach Corporation
at Antioch
Inland Container Corporation
at Newark

Minimum Weight: 50,000 pounds.

Rate: 62 cents per 100 pounds.

Conditions:

1. Split pickup or split delivery shipments will not be permitted.
2. Freight charges for shipments will be guaranteed and paid by Independent Paper Stock Company.
3. Shipments shall be power loaded without assistance of, or expense to the carrier, with the carrier having the right to drop trailing equipment for loading.
4. Shipments shall have a released value of seventy-five dollars (\$75.00) in the event of loss or damage.
5. If subhaulers are engaged they shall be paid no less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
6. In all other respects the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)