

ORIGINAL

Decision No. 88913 MAY 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investi- )  
gation for the purpose of con- )  
sidering and determining minimum )  
rates for transportation of )  
general commodities within San )  
Diego County as provided in )  
Minimum Rate Tariff 9-B and the )  
revisions or reissues thereof. )

Case No. 5439  
Petition For Modification No. 323  
(Filed March 29, 1978)

OPINION AND ORDER

Minimum Rate Tariff 9-B (MRT 9-B) names minimum rates and rules for transportation of property within the San Diego Drayage Area. By this petition, Pullaro Contracting Company seeks authority to be exempted from the minimum rates for the transportation of property, which because of size or weight, requires the use of low-bed equipment.<sup>1</sup>

Petitioner alleges that the variation of transportation regulations, which are implemented by geographical location and not transportation conditions, results in an undue competitive burden and prevents equal rate treatment for services performed under similar circumstances at different locations. Petitioner contends that its hourly rates now exceed the minimum rates in MRT 9-B; therefore, the deviation authority sought does not involve the question of rate level.

Copies of the petition were mailed to carrier representatives on or about March 27, 1978. The petition was listed on the Commission's

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<sup>1</sup> Petitioner was granted a previous exemption from the rates and rules in MRT 9-B for the same type of transportation under D. 86143 dated July 19, 1976. The authority was allowed to expire. Similar authority has been granted to Franklin Trucking, Tilley Trucking and San Diego Boat Movers under Decisions 85120, 86137 and 86274, respectively.

Daily Calendar of April 5, 1978. A letter received from California Trucking Association (CTA) opposed an open-ended exemption and suggested that any relief be limited to a one-year period. The suggestion of CTA has merit and the exemption will be so limited.

In the circumstances, the Commission finds that petitioner's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the petition 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. Pullaro Contracting Co., a corporation, 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 canceled, 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 31st day of MAY, 1978.

Robert Batistovich  
President  
William Sproull Jr.  
Vernon L. Sturgeon  
Richard W. Throckmorton

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

PULLARO CONTRACTING CO.

The rates and rules named in Minimum Rate Tariff 9-B shall not apply to property transported on low-bed trucking equipment when such property is transported for a contractor or a contractors' equipment dealer.

(END OF APPENDIX A)