

Decision No. **88964**

JUN 13 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
 tion for the purpose of consid-)
 ering 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. 326
 (Filed May 5, 1978)

OPINION AND ORDER

By this petition, John J. Burns, Jr., doing business as Burns and Sons Trucking (Burns) seeks an exemption from the rates and rules named in Minimum Rate Tariff 9-B (MRT 9-B) for the transportation of commodities of abnormal size or weight which, because of such size or weight, require the use of and are transported on low-bed trailers.¹

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. Burns also states that this transportation is exempt from MRT 2 and is subject to minimum rates only between points within the metropolitan San Diego drayage area. The carrier alleges that this results in unequal treatment to shippers shipping identical commodities in closely related geographical areas.

The petition was listed on the Commission's Daily Calendar of May 9, 1978. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable. A public hearing is not necessary.

¹ Petitioner was granted a previous exemption from the rates and rules in MRT 9-B for the same type of transportation under D. 87553 dated July 6, 1977.

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 relief.

IT IS ORDERED that:

1. John J. Burns, Jr., doing business as Burns and Sons Trucking, is authorized to depart from the minimum rates and rules named in Minimum Rate Tariff 9-B to the extent set forth in Appendix A of this decision.
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 13th
day of JUNE, 1978.

Robert Batminal
President
William Symons Jr.
George L. Shugart
Charles D. Harkley
Clair D. Smith
Commissioners

APPENDIX A

JOHN J. BURNS, JR.,
doing business as
BURNS AND SONS TRUCKING

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 contractor's equipment dealer.

(END OF APPENDIX A)