

Decision No. 89036 JUN 27 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Andres A. Kornoff)
and Fred Kornoff, a partnership,)
doing business as, KORNOFF DISPOSAL)
SERVICE, applying for authority to)
Assess Less than Minimum Rates in)
MRT No. 2 to transport Crushed Re-)
cycled Scrap Aluminum Cans for Vul-)
can Materials Company, under the)
statutory provisions set forth in)
the Public Utilities Code, Section)
3666, this authority is sought.)

Application No. 58030
(Filed April 26, 1978)

OPINION AND ORDER

By this application, Andres A. Kornoff and Fred Kornoff, a partnership, doing business as, KORNOFF DISPOSAL SERVICE, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of crushed recycled aluminum cans for Vulcan Materials Company from Highgrove to Corona.

Applicant cites the following special circumstances and conditions: (1) shipments are to be loaded and unloaded without expense to the carrier; (2) anticipated volume is four container loads per day.

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The application was listed on the Commission's Daily Calendar of April 28, 1978. A protest was received from the California Trucking Association conforming with Rule 42.2 of the Commission's Rules of Practice and Procedure.

The applicant has replied to the protest which alleged that costs were greater than revenues earned. A proration of costs applicable to the deviation being sought was submitted (carrier has other income). Staff analysis finds that revenues resulting will enhance rather than detract from the financial situation of the carrier. Resulting traffic under the deviation will be profitable.

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. Andres A. Kornoff and Fred Kornoff, a partnership, doing business as, KORNOFF DISPOSAL SERVICE, 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 27th

day of JUNE, 1978.

*I dissent.
William Synoux Jr.*

President

Vernon L. Sturgeon

Charles P. Gault

Clare J. DeWitt
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

A. 58030

T-74,886

APPENDIX A

Carrier: Andres A. Kornoff and Fred Kornoff, dba, KORNOFF
DISPOSAL SERVICE

Commodity: Scrap aluminum, loose

Shipper: Vulcan Materials Company

From: Highgrove, California

To: Corona, California

Rate: \$60.00 per 45 cubic yard container

Minimum: Minimum tender by shipper shall be three-45 cubic
yard containers in one day. (\$180.00)

Conditions:

1. Carrier will spot containers for shipper loading without expense to the carrier.
2. Shipper will notify carrier by telephone that three containers will be fully loaded and ready for shipment that day.
3. 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 containers.
4. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)