

ORIGINAL

Decision No. 89152 JUL 25 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of M.A.P. Transportation, Inc.,)
a California corporation, for)
an Order authorizing Applicant)
to Deviate from certain Minimum)
Rates on shipments of glass, for)
Guardian Industries Corp.; pur-)
suant to Section 3666 of the)
Public Utilities Code.)

Application No. 58051
(Filed May 3, 1978)

OPINION AND ORDER

By this application, M.A.P. Transportation, Inc. requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of glass, flat, not bent, for Guardian Industries Corporation from Kingsburg to the Los Angeles Basin Territory and the San Francisco Bay Territory.

Applicant is presently authorized by Decision 88727, dated April 18, 1978, to transport the same commodity from Fresno and Lathrop to various points within the Los Angeles Territory. The transportation sought by this deviation will originate at Kingsburg which is 36 miles from Fresno. Applicant proposes to establish rates at the same level on this traffic from Kingsburg.¹

¹ The present and proposed rates, in cents per 100 pounds, for the transportation of glass from Kingsburg are:

<u>To</u>	<u>Present Rates</u> <u>Minimum Weight</u> <u>40,000 pounds</u>	<u>Proposed Rates</u> <u>Minimum Weight</u> <u>50,000 pounds</u>
Los Angeles	123	68
San Francisco	118	64

Applicant specializes in the transportation of glass and has specialized equipment for such transportation. Applicant anticipates a volume of two trips per day per unit of carriers' equipment engaged in this transportation.

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 May 8, 1978. Applicant has served a copy of this application on American Transfer Co. and W.S. Emerian Trucking. These two carriers have been previously authorized to deviate from minimum rates for this traffic. The rates proposed by applicant will be at the same level as those previously authorized for this traffic. California Trucking Association (CTA) objected to the ex parte handling of this matter stating that the costs appear to be understated and that the sought relief is essentially a "me too" to authority granted to W. S. Emerian, American Transfer Company and M.A.P. Transportation.

In addition, CTA points out this traffic is available to all carriers (who are willing to file for deviations under Section 3666 of the Public Utilities Code). In Major Truck Lines (Decision 77767), the Commission states:

"Where the condition of transportation would make the application of minimum rates excessive and the traffic is available to other for-hire carriers under the same circumstances, it has been the policy of the Commission to establish commodity minimum rates for such transportation so that all interested carriers will have equal opportunity to compete for the traffic."

CTA further points out that the Commission should proceed to establish reasonable minimum commodity rates for the transportation at issue.

Until the Commission has adequate information before it to establish a specific rate reduction or allowance when shippers provide the loading service with forklift equipment, the Commission cannot expect carriers and shippers to wait patiently while such a

determination is made. In the absence of the establishment of such a rate reduction or allowance, carriers are encouraged to come forward with proposals in those instances where special transportation conditions are such that rate reductions or allowances are appropriate.

In the circumstances, the Commission finds that the 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. M.A.P. Transportation, 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 25th day of JULY, 1978.

Robert B. Givens
President
William J. Givens
James L. Givens
Charles W. Givens
Clare L. Givens
Commissioners

