

Decision No. 89160

JUL 25 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Edwin Lee Simpson,)
for authority to charge at a rate)
less than those prescribed in)
Minimum Rate Tariff No. 2 pursuant)
to the provisions of Section 3666)
of the Public Utilities Code, for)
the transportation of glass, flat,)
not bent, from Guardian Industries)
Corporation, Kingsburg, Califor-)
nia, to described areas in north-)
ern and southern California.)

Application No. 58120
(Filed June 6, 1978)

OPINION AND ORDER

By this application, Edwin Lee Simpson, requests authority to deviate from the provisions of Minimum Rate Tariff 2 for the transportation of glass, flat, not bent for Guardian Industries Corporation (Guardian) at Kingsburg to points in the Los Angeles Area within Metropolitan Zones 201 through 262 and in the San Francisco Bay Area within Metropolitan Zones 101 through 135.

According to applicant, Guardian will power load the wooden crates of glass at no expense to applicant. Applicant will then tarp and secure crates to the trailer equipment. Consignee, applicant states, will power unload the crates at no expense to the applicant.

Applicant declares that Guardian's new plant, located two miles north of Kingsburg, plans to tender shipments to him on a regular basis Monday through Friday at the rate of approximately four loads per day.

Applicant asserts that he has frequent truckloads originating in the Los Angeles and San Francisco Metropolitan Zones and will be able to utilize his equipment to its utmost by having loads in both directions.

Applicant avers that Guardian has given him a letter of support for the deviation (see Exhibit "C" of the application). Applicant further states that Guardian desires to compete with Pittsburg Plate Glass and Libby-Owens Ford Company both located in this area, both of which have their glass transported under deviated rates.

The application was listed on the Commission's Daily Calendar of June 9, 1978. 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 conditions 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.

Pending the receipt of adequate information to establish a specific commodity rate or allowance when shippers provide the loading service with forklift equipment, the Commission should not expect carriers and shippers to wait patiently while unreasonable transportation rates are assessed. 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 applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted as indicated 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. Edwin Lee Simpson 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 Butman
President
William J. Brown
James L. Sturgeon
Robert B. Howell
Clair J. Hedrick
Commissioners

APPENDIX A

Carrier: Edwin Lee Simpson.

For: Guardian Industries Corp., Sunmaid Siding near Kingsburg.

Commodity: Glass, flat, not bent.

To: Points in the San Francisco Bay Area located in Metropolitan Zones 101 through 135.

Rate: 64 cents per 100 pounds.

To: Points in the Los Angeles Metropolitan Area located in Metropolitan Zones 201 through 262.

Rate: 68 cents per 100 pounds.

Minimum Weight: 50,000 pounds.

Conditions:

1. Shipments shall be power loaded and power unloaded without expense to the carrier.
2. Applicant has not indicated that subhaulers will be engaged. If subhaulers are employed, they shall be paid not less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
3. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.