

ORIGINAL

Decision No. 89344 SEP 6 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of O'BRIEN FREIGHT LINES, dba ATLAS FREIGHT LINES, a corporation, for authority to deviate from the provisions of Minimum Rate Tariff No. 2 in connection with the transportation of palletized glass bottles, carboys, demijohns and jars, other than cut, with or without their equipment of caps, covers, stoppers or tops, one gallon or less in capacity; palletized corrugated fiber for Brockway Glass Company, pursuant to the provisions of Section 3666 of the California Public Utilities Code.

Application No. 57903
(Filed March 1, 1978)

O P I N I O N

By this application, O'Brien Freight Lines, dba Atlas Freight Lines, with its principal place of business in Oakland, California, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of palletized glass bottles, carboys, demijohns, and jars, other than cut, with or without their equipment of caps, covers, stoppers, or tops, one gallon or less in capacity; and palletized corrugated fiber for Brockway Glass Company (Brockway) between Brockway's facility at Oakland, California, and Santa Cruz, Tracy, Ripon, and Fairfield, California.

According to the applicant, the application is based on the following facts and circumstances: applicant holds authority from this Commission to conduct operations as a radial highway common carrier and highway contract carrier and, pursuant to said authority,

applicant performs service for Brockway as its sole customer and has hauled these specific commodities from Brockway's Oakland location for over 30 years. In performing service for the supporting shipper, applicant uses its own equipment, employees, and personnel, and applicant's facility is located directly across the street from the supporting shipper's facility.

Applicant further states that it has worked many years with the supporting shipper and is familiar with its overall shipping requirements. It is uniquely suited to continue to perform this service for Brockway and is specifically familiar with its shipping needs and its traffic personnel, and is capable of expediting equipment and personnel for this account in order to meet its continuing need for an adequate transportation service.

Applicant also states that the transportation to be performed under the proposed deviation rates will be compensatory and it has submitted specific cost studies to justify the profitability of said operations based on the proposed deviation rates.

The application was listed on the Commission's Daily Calendar under new filings dated March 2, 1978. Copies of the application were duly served on Amaral Trucking Inc., Fairbanks Trucking, Inc., and the California Trucking Association. A protest was filed by Wallace Transport, and the California Trucking Association by letter dated March 29, 1978 objected to the granting of the application on an ex parte basis. Subsequent thereto, applicant amended the requested authority to eliminate certain 30,000-pound rate proposals and any authority to serve Merced, California. Based on applicant's amendment, Wallace Transport withdrew its opposition and the California Trucking Association indicated that the amendment clarified the question of objectionable areas as set forth in its letter of March 29, 1978. The matter is now unopposed.

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order and since there is an immediate need for the relief sought, the effective date of this order should be the date hereof.

O R D E R

IT IS ORDERED that:

1. O'Brien Freight Lines, dba Atlas Freight Lines, 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 6th day of SEPTEMBER, 1978.

I dissent.
William S. Lyons Jr.

Robert Bateman

President

Thomas L. Sturgeon

Charles D. Hoyle

Commissioners

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

APPENDIX A

Carrier: O'Brien Freight Lines, dba Atlas Freight Lines.

Commodity: Palletized glass bottles, carboys, demijohns, and jars, other than cut, with or without their equipment of caps, covers, stoppers, or tops, one gallon or less in capacity and palletized corrugated fiber.

From: Brockway Glass Company, Oakland, California.

To: Santa Cruz, Tracy, Ripon, and Fairfield, California.

Rates:

	<u>Rates (Per 100 Pounds)</u>	
	<u>Minimum Weight</u>	
	<u>30,000 lbs.</u>	<u>40,000 lbs.</u>
Fairfield	none	\$0.48
Ripon	none	\$0.55
Santa Cruz	\$0.60	\$0.58
Tracy	\$0.54	\$0.51

Conditions:

1. Applicant has indicated that subhaulers will not be engaged. Therefore, if subhaulers are employed, they shall be paid no less than the rate authorized herein without any deduction for use of applicant's trailing equipment.
2. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.