

ORIGINAL

Decision No. 90184 APR 10 1979

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. 331
(Filed January 15, 1979)

OPINION AND ORDER

Minimum Rate Tariff 9-B (MRT 9-B) names minimum rates and rules for transportation of property within the San Diego Drayage Area. By this petition, Wesley V. Truesdale (Truesdale) seeks authority to be exempted from the minimum rates for the transportation of property, which because of size or weight, requires the use of low-bed equipment.

Truesdale alleges that he transports construction machinery and contracting materials and equipment. Because of the legal restrictions pertaining to the size and/or weight of these commodities being transported over public roads, the petitioner is required to utilize low-bed trailers. In addition, prior to moving any particular load, the carrier must obtain from the City of San Diego, County of San Diego, or the State Division of Highways, as the case may be, the proper moving permit.

Truesdale has set forth a schedule of charges, in the petition, that he states he currently assesses on a hourly rate basis for these services, which exceed the minimum rates presently in effect in MRT 9-B. Therefore, the exemption sought does not involve the question of the level of rates.

The petition was listed on the Commission's Daily Calendar of January 17, 1979. A letter received from California Trucking Association (CTA) opposed an open-ended exemption and suggested that any relief be limited to a one-year period.

The applicant has requested continuous authority for this exemption. The order granting this relief will be restricted to transportation requiring a moving permit because of unusual size or weight. Transportation circumstances under these restrictions are not likely to change; therefore, relief will be granted on a continuous basis.

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

IT IS ORDERED that:

Wesley V. Truesdale is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 9-B to the extent set forth in Appendix A of this decision.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this day of APRIL, 1979.

John E. Bryan
President

William L. Stuyven

Richard P. Howell

Philip T. ...

James M. ...
Commissioners

APPENDIX A

WESLEY V. TRUESDALE

Wesley V. Truesdale, when transporting construction machinery and all other contracting materials and equipment on low-bed trucking equipment, which such property due to size or weight requires the use of such equipment, shall be exempt from the rates and rules in Minimum Rate Tariff 9-B. This exemption shall apply only when carrier possesses a moving permit, from the City of San Diego, County of San Diego or State Division of Highways, as the case may be, prior to a shipment being transported.

(END OF APPENDIX A)