

ORIGINAL

Decision No. 90285 MAY 6 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of AMERICAN TRANSFER )  
 CO., a California corporation, for )  
 authority to depart from the rates, )  
 rules, and regulations of Minimum )  
 Rate Tariff No. 2, pursuant to the )  
 provisions of Section 3666 of the )  
 Public Utilities Code, for the )  
 transportation of Roofing Materials )  
 (Group) as defined in Item 17000 of )  
 National Motor Freight Classifi- )  
 cation 100-E to points in Fresno )  
 County bounded by East of I-5, )  
 except Coalinga, and West of Moun- )  
 tainous Area from areas in Northern )  
 and Southern California for Western )  
 Buildings Materials Co. )

Application No. 58753  
 (Filed March 20, 1979)

ORDER OF DENIAL

By this application, American Transfer Co., a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 for the transportation of roofing materials to points in Fresno County from points in Los Angeles Area Metropolitan Zones 201 through 262, including Ontario, and from points in San Francisco Bay Area Metropolitan Zones 101 through 135, including Antioch and Pittsburg, as a highway contract carrier for Western Building Materials Co.

American Transfer Co. holds a highway common carrier certificate of public convenience and necessity pursuant to Decision 89007, dated June 27, 1978, in Application 56550. The certificate authorizes transportation of general commodities with certain exclusions between various points and places in California. Applicant also holds a highway contract carrier permit issued under T-26,367 for the transportation of general commodities between points and places in California

which are excluded from its highway common carrier operative authority. The exclusions do not extend to the transportation in question in this application.

Approval for authority to assess less than a maximum reasonable rate under the provisions of Section 452 of the Public Utilities Code requires that a highway common carrier shall show that the needs of commerce or public interest require such approval by the Commission.

Findings

1. The Commission finds that the requested deviation from the provisions of Minimum Rate Tariff 2 for the transportation of roofing materials to points in Fresno County from points in Los Angeles Area Metropolitan Zones 201 through 262, including Ontario, and from points in San Francisco Bay Area Metropolitan Zones 101 through 135, including Antioch and Pittsburg applies to transportation which is within the highway common carrier operative authority of applicant.

2. The Commission further finds that applicant has not shown that the needs of commerce or public interest require the establishment of less than maximum reasonable rates for the transportation of roofing materials between points as set forth in the application.

Conclusions

1. The requested deviation applies to transportation which is within the highway common carrier operative right of applicant.

2. Applicant has not shown that the needs of commerce or public interest require the requested deviation.

3. The Commission concludes that Application 58753 should be denied.

A. 58753 - avm

IT IS ORDERED that Application 58753 is denied.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 8<sup>th</sup> day of MAY, 1979.

John E. Boyce  
President  
Verma L. Stinger

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

Clair J. DePrige  
Donald W. ...  
Commissioners