

ORIGINAL

Decision No. 90635 JUL 31 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pullaro Contracting)
Co. for authority to be exempted)
from Tariff 9B (sic); to transport)
property of abnormal size or)
weight requiring the use of Low-)
Bed trailers.)

Application No. 58954
(Filed June 22, 1979)

OPINION AND ORDER

Minimum Rate Tariff 9-B (MRT 9-B) names minimum rates and rules for the transportation of property within the San Diego Drayage Area. By this application,^{1/} Pullaro Contracting Co. (Pullaro), a corporation, 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.^{2/}

Pullaro alleges that it transports construction machinery, contracting materials and equipment, oversized electrical transformers, boats and diving bells, etc. Legal restrictions pertaining to the size and/or weight of these commodities being transported over public roads require the applicant 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 California Department of Transportation, as the case may be, the proper permit.

^{1/} Although the carrier filed an application seeking an exemption from the rates and rules in Minimum Rate Tariff 9-B, the proper acceptable method of seeking such exemption is for one to file a petition in the appropriate minimum rate proceeding, namely Case 5439.

^{2/} Applicant has been granted an exemption from the rates and rules in MRT 9-B for the same type of transportation for two previous years under Decision 86143, dated July 19, 1976 and Decision 88913, dated May 31, 1978, respectively. The current authority was allowed to expire with May 31, 1979.

Pullaro has set forth a schedule of charges, in the application, that it currently assesses for the aforesaid services on an hourly rate basis, 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 application was listed on the Commission's Daily Calendar of June 26, 1979. No objection to the granting of the application has been received.

The order granting this relief will be restricted to transportation requiring a 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 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:

Pullaro Contracting Co., a corporation, is authorized to depart from the minimum rates 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 31st day of JULY, 1979.

John E. Bryan
President
Bryan L. Johnson
Charles D. Howell
Charles L. Pugh
Samuel J. King
Commissioners

A. 58954

APPENDIX A
PULLARO CONTRACTING CO.
(a corporation)

T-99,385

Pullaro Contracting Co., a corporation, is exempted from the provisions of Minimum Rate Tariff 9-B, when transporting commodities, which because of such abnormal size or weight, require the use of low-bed trailers.

The exemption shall apply only when carrier possesses a permit from the City of San Diego, County of San Diego or the California Department of Transportation, as the case may be, prior to a shipment being transported.

(END OF APPENDIX A)