

Decision No. 91165 . DEC 18 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Thomas J. Mattesich, doing business as J. E. Mattesich & Sons, for authority under Section 3666 of the Public Utilities Code of the State of California to deviate from the minimum rates for the transportation of Plastic Bath Tubs and Plastic Shower Stalls for American Standard, Plumbing & Heating Division.

Application No. 59265
(Filed October 11, 1979)

OPINION AND ORDER

By this application, Thomas J. Mattesich, an individual doing business as J. E. Mattesich & Sons, requests authority to deviate from the provisions of Minimum Rate Tariff 2 (MRT 2) for the transportation of plastic bath tubs and plastic shower stalls^{1/} from the plant of American Standard, Plumbing and Heating Division at Stockton to points beyond 235 miles from Stockton.^{2/}

^{1/} The present and proposed rates in cents per 100 pounds, all rates subject to applicable surcharges, are:

Constructive Mileage from Stockton	Minimum Weight 10,000 Pounds	
	Class-400	Class 125
	MRT 2-Item 505 Present Rates	MRT 2-Item 505 Proposed Rates
240 - 260	1172	366
280 - 300	1228	384
325 - 350	1292	404

^{2/} Destination points 235 miles beyond Stockton will be in the Counties of:

Del Norte	Modoc	Santa Barbara
Humboldt	Orange	Shasta
Imperial	Riverside	Siskiyou
Lassen	San Bernardino	Trinity
Kern	San Diego	Ventura
Los Angeles	San Luis Obispo	

Applicant presently transports shipments of plastic bath tubs and stall showers within a 235 mile radius of Stockton pursuant to authority granted by Decision 80461, dated August 31, 1972. The Commission in Decision 81616, dated July 24, 1973 in Application 53759 authorized applicant interim usage of the Class 125 rating on traffic beyond 235 miles. Applicant petitioned for dismissal of Decision 81616 based upon the National Motor Freight Classification publishing a Class 125 rating on these commodities effective October 19, 1973. The present application was made necessary due to a change in the commodity classification from Class 125 to Class 400 in the current National Motor Freight Classification 100-F effective May 5, 1979.

The granting of this application will allow applicant to continue serving American Standard, assessing the same class rates based upon a 10,000 pound minimum weight shipment that were assessed prior to the change in the National Motor Freight Classification. Applicant avers that nothing will be changed in the packaging, handling, origins or destinations that was not experienced under the previous use of the Class 125 rating which produced a reasonable net revenue to the applicant.

Applicant also has authority pursuant to Decision 88721, dated April 18, 1978 to transport plumber's goods, china or earthenware, from the plant of American Standard at Torrance to points north of Inyo, Fresno, Monterey and San Benito Counties. The present application will provide a return haul for applicant from Stockton to Torrance and, as such, will help in achieving maximum utilization of equipment with subsequent cost savings.

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The application was listed on the Commission's Daily Calendar of November 14, 1979. No objection to the granting of the application has been received.

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 the order should be the date hereof because there is an immediate need for this rate relief.


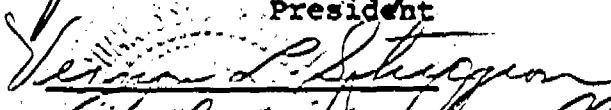
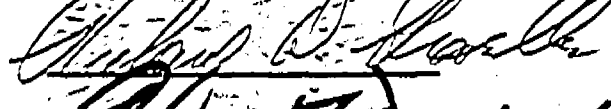


IT IS ORDERED that:

1. Thomas J. Mattesich, an individual doing business as J. E. Mattesich & Sons, 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 DEC 18 1979, at San Francisco, California.


President




Commissioners

APPENDIX A

Carrier: Thomas J. Mattesich, dba J. E. Mattesich & Sons
 Shipper: American Standard, Plumbing and Heating Division
 Commodities: Plastic Bath Tubs, setup, and Plastic Shower Stalls,
 setup.
 Origin: Stockton
 Destination: Points over 235 constructive miles beyond Stockton
 including the Counties of:

Del Norte	Modoc	Santa Barbara
Humboldt	Orange	Shasta
Imperial	Riverside	Siskiyou
Lassen	San Bernardino	Trinity
Kern	San Diego	Ventura
Los Angeles	San Luis Obispo	

Rates: Minimum Rate Tariff 2 - Item 505 - Class 125 for
 constructive mileages in excess of 235 miles. Subject
 to all applicable surcharges.

Minimum Weight: 10,000 pounds per unit of carrier's equipment.

Conditions:

1. Applicant has not indicated that subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, 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.
2. Shipments shall be loaded by the shipper at origin without cost to the carrier.
3. When consignee requires the driver's assistance in unloading, there will be a charge of 10¢ per hundredweight based upon the actual weight of the shipment in addition to the charges shown above.
4. Mileages refer to the currently applicable Distance Table 8 of constructive mileages issued by the Commission.
5. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)