

Decision No. 68879**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of AL SCANNAVINO, an individual )  
doing business as AL SCANNAVINO )  
TRUCKING CO., for authority to )  
depart from minimum rates, rules )  
and regulations applicable in )  
connection with certain transpor- )  
tation to be performed for )  
UNITED VINTNERS, INC. )

Application No. 46344  
(Filed April 1, 1964)

Frank Loughran, for applicant.

J. C. Kaspar, H. F. Kollmyer and A. D. Poe,  
for California Trucking Association,  
interested party.

R. J. Carberry and J. C. Matson, for the  
Commission staff.

O P I N I O N

Public hearing in this matter was held in San Francisco on February 15, 1965, before Examiner Fraser, at which time the matter was submitted. The application was not opposed. The Commission staff assisted in the development of the record.

Applicant is authorized to operate in California as a certificated and a permitted carrier. He seeks authority as a high-way contract carrier to transport wine, champagne, sparkling wine, brandy, grape juice and wine vinegar, in packages, for United Vintners, Inc., from Madera to the City of Commerce in Los Angeles County, and empty glass bottles from Saugus to Madera, at a yearly vehicle unit rate of 42 cents (a request was made at the hearing to increase this figure to 44 cents due to an increase in labor costs) per mile subject to a minimum annual mileage of 130,000 miles. This rate would be assessed in lieu of the minimum rate otherwise applicable.

On April 28, 1964 the Commission issued Decision No. 67163, which granted a temporary operating authority with an expiration date of April 30, 1965 unless otherwise ordered by the Commission.

Evidence was introduced at the hearing by applicant and by his accountant. They developed the following facts: Until May of 1964 applicant hauled from the United Vintners, Inc. bottling plant at Asti, California. In May the bottling plant was moved to Madera and applicant started hauling from Madera. When the new service started, the shipper advised applicant that charges should be based on an annual vehicle unit rate. The shipper refused to pay the minimum rate provided in the applicable tariffs, on the ground that it would be cheaper for the shipper to lease trucks and do its own hauling. Applicant and his accountant made a study which showed that at the time this application was filed a yearly vehicle unit rate of 42 cents a mile would be compensatory on a minimum annual distance of 130,000 miles (250 trips at 520 miles per round trip based on a five-day work week).

Applicant requested during the hearing that the unit vehicle rate be increased to 44 cents due to increased labor costs. It was further requested that the authority granted be worded so as to terminate on the same date as applicant's labor contracts. It was also noted that the address given as 2200 South Saybrook Avenue, Los Angeles, on page 1 of the application and on page 1 of Appendix A to Decision No. 67163, should actually read 2200 South Saybrook Avenue, City of Commerce, Los Angeles County.

An amendment to the application was filed on March 19, 1965, wherein it is alleged that United Vintners, Inc. will be moving their City of Commerce plant to Whittier in the near future. It is further alleged that the shipper will expect the applicant to provide service to the Whittier plant as soon as it is completed and that the Whittier plant is less than six miles from the Commerce plant.

Based upon the evidence, we find that the proposed rate and governing rules are reasonable and conclude that the application should be granted. Because the conditions under which the transportation is to be performed may change, the authority granted will be limited to expire on June 30, 1966.

O R D E R

IT IS ORDERED that:

1. The authority granted by ordering paragraph 1 of Decision No. 67163, dated April 28, 1964, is hereby extended to June 30, 1966, subject to paragraphs 2 and 3 of this Order.

2. The rate of 44 cents per mile is substituted in place and stead of the rate of 42 cents per mile, and 2200 South Saybrook Avenue, City of Commerce and 12393 Slauson Boulevard, Whittier, are substituted in place and stead of 2200 South Saybrook Avenue, Los Angeles, on page 1 of Appendix A to Decision No. 67163.

3. The authority granted herein shall not be exercised unless applicant has filed in the Commission's office tariff filings in compliance with Decision No. 68806, in Application No. 47321; the

effective date of such tariff filings shall be prior to, or concurrent with, the exercise of the authority herein granted.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 13th day of April, 1965.

Frederick B. Hallock  
President

John E. [unclear]

George E. Hoover

Avigador

William B. [unclear]  
Commissioners