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**ORIGINAL**

Decision No. 71973

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of FOCHETTI TRUCKING, INC. )  
to deviate from the application of )  
Tariff No. 2 with respect to rates )  
from Encinitas to San Francisco; and )  
for ex parte action. )

Application No. 49016  
(Filed December 12, 1966)

INTERIM OPINION AND ORDER

Fochetti Trucking, Inc., a corporation, operating as a highway carrier, other than a highway common carrier, requests authority to deviate from the gross weight provisions of Minimum Rate Tariff No. 2, in order that it may transport gladioli, in plastic containers, unboxed, in shipper owned racks, from Encinitas to the flower market in San Francisco, and apply the minimum rate therefor only to the weight of the unboxed gladioli.

Applicant explains that the shipper is presently fabricating iron racks upon which the gladioli will be placed for shipment. The loaded racks are to be placed on applicant's trucks at Encinitas and unloaded at San Francisco with fork-lift equipment by the shipper without expense to the carrier.

Applicant states that the iron racks will weigh approximately 273 pounds; that each rack will have a capacity of 168 dozen unboxed gladioli, weighing about 418 pounds. The northbound movement of gladioli is seasonal in nature and shipper desires applicant to commence hauling the gladioli in the shipper-owned racks in about five weeks.

Fochetti Trucking contends that it has the necessary equipment and capacity to provide the requested service which will assertedly complement applicant's other operations. Applicant further contends that if the rate under Minimum Rate Tariff No. 2 must be applied to the gross weight of the shipment, including the weight of the iron racks, the shipper will utilize its own proprietary equipment.

Applicant states that the proposed charges will not be less than the cost of performing the service. It is estimated that such service will return gross operating revenues of \$15,000 per year and that applicant's costs and expenses for providing the service will amount to \$12,000 per year. It is understood that applicant's revenue and expense estimates are predicated upon last year's actual operating experience; that the carrier is currently transporting this season's gladioli without shipper-owned racks, which are to be available in a few weeks; and that upon obtaining actual operating experience with the shipper's racks, applicant will be prepared to demonstrate to the Commission the alleged compensatory nature of the rate proposal with a greater degree of particularity.

Applicant has demonstrated that there exists a degree of cooperation between carrier and shipper, that all parties should benefit from increased efficiencies, and that the carrier may have its cost of operations reduced as a result of the apparent efficiencies. The certificate of service shows that a copy of

A. 49016 sk

the application was served on the California Trucking Association on December 13, 1966. The application was listed on the Commission's Daily Calendar of December 13, 1966. No objection has been received to the granting of the sought authority on an interim basis pending public hearing for the receipt of further evidence. In view of the seasonality of the movement and the potential economies involved in the proposed operations, the order which follows will grant the sought relief for a temporary period of six months to allow applicant an opportunity to develop and present at a public hearing additional evidence, based on actual experience of performing the service involved herein, relative to the compensatory nature of the rate proposal.

Subject to further review, upon consideration of such additional evidence as applicant may adduce at a public hearing, the Commission concludes that the sought relief should be granted for an interim period of six months, unless sooner canceled, changed or extended by order of the Commission.

IT IS ORDERED that:

1. Fochetti Trucking, Inc., a corporation, is authorized to transport gladioli, in plastic containers, unboxed, in shipper owned racks, for Frazee Flowers, Inc., from Encinitas to the flower market in San Francisco, and apply the minimum rate therefor to the weight of the unboxed gladioli, excluding the weight of the shipper-owned racks.

2. The interim authority granted herein shall expire six months after the effective date of this order, unless sooner canceled, modified or extended by order of the Commission.

3. A public hearing shall be scheduled in this proceeding at such time as applicant is prepared to proceed with the presentation of additional evidence and final disposition of the application.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup>  
day of FEBRUARY, 1967.

[Signature]  
President

[Signature]

[Signature]

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Commissioners