

Decision No. 73859

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ADOLPH Q. TOLEDO and CHARLES B.)
TOLEDO, doing business as TOLEDO)
TRUCKING, under Section 3666 of the)
Public Utilities Code of the State)
of California, for authority to)
charge rates less than those pre-)
scribed in Minimum Rate Tariff)
No. 2 for the transportation of)
hides from Stockton, California, to)
Modesto, California, and empty con-)
tainers returning, for the account)
of UNION HIDE - VALLEY CO., and to)
establish and charge for the trans-)
portation of heretofore unrated)
poultry processing plant official)
rates prescribed in Minimum Rate)
Tariff No. 2 for the transportation)
of Tankage, N.O.I., for the account)
of MODESTO TALLOW CO.)

Application No. 47998
(Filed October 25, 1965)

In the Matter of the Application of)
HOWARD JONES, doing business as)
HOWARD JONES TRUCKING, under Sec-)
tion 3666 of the Public Utilities)
Code of the State of California,)
for Authority to Charge Rates Less)
Than Those Prescribed in Minimum)
Rate Tariff No. 2 for the Transpor-)
tation of Empty Containers Return-)
ing from Modesto, California, to)
Selma, California, and to Hanford,)
California, for the Account of)
UNION HIDE - VALLEY CO.)

Application No. 49585
(Filed August 2, 1967)

William H. Kessler, for applicants.
H. F. Kolmyer, A. D. Poe, and Richard W.
Smith, for California Trucking Association,
Interested party.
John W. Henderson and R. E. Douglas, for the
Commission staff.

O R D E R

Public hearing of these two applications was held before
Examiner Power at Modesto on September 28, 1967 on a consolidated

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record; in Application No. 47998 this is a further hearing, in Application No. 49585, an original hearing.

Jones' original application involved only the two points of Hanford and Selma. At the hearing he amended his application to request the relief as to any meat plant in the Counties of Fresno, Kings or Tulare. The point most distant from the Union Hide Valley plant in Modesto involved in Jones' evidence was Hanford. This evidence would not necessarily sustain a finding for any longer haul. However, two points mentioned in the evidence, Fresno and Kerman, are closer both to Modesto and to Jones' Fresno terminal than Hanford is. Therefore they will be included in Jones' relief.

Both applicants seek authority to perform an accessorial service, namely the furnishing of metal bins to shippers, without charge. Toledo also seeks authority to deviate from the Commission's Multiple Lot Rule.

The commodity to be hauled is green cattle hides. There was a time when the meat plants salted hides themselves. The current practice is for the packers to sell the hides to a dealer in their green state. The dealer then processes the hides and sells them.

Dealers bid on the hides to be produced over a period of one or two weeks. Bids are submitted on the Friday next preceding. Upon award of the hides the successful dealer notifies his carrier. When the butchering of the stock is at or near its close, each day, the packer notifies the carrier of the number of bins to be picked up. The carrier takes the empty bins to the packing house, unloads them, loads the filled bins and returns to the dealers processing plant in Modesto. The shipper unloads them.

Fresh hides are loaded into bins by the packer's employees. At least one of the packers lines the bins up to facilitate loading.

Jones made no request for relief from the documentary requirements of Item 85. His shipments have exceeded the truckload minimum of 36,000 pounds and he handles them as single shipments.

Toledo does request the Item 85 relief. He also requested the right to extend the arrangement to Dixon and Elk Grove in the event that Union Hide - Valley Co. should be successful in obtaining the hides produced at plants in those places. At Dixon, a larger plant than the others, it will almost never be used because truckload minimum weights will be met.

As we pointed out in Decision No. 72211, the last decision in the Toledo application, the transport of raw hides has a number of peculiarities, which distinguish it from the movement of most other commodities. Item 85 is aimed at these other situations. One example is the fact that, for its own reasons, the shipper must save the time of the carrier's equipment. The carrier is not notified that the shipment is ready until late in the butchering when the packer is sure that there will be no additions to the orders for beef. The equipment, especially tractors, is thus freed for other tasks for various periods of time. Once loaded they must be moved to processing as quickly as possible to avoid deterioration. Furthermore this problem of deterioration prevents compliance with the Item 85 requirement that the goods must all be available at the time of the first pickup.

Both carriers seek the right to furnish metal bins. It may be noted that the use of metal bins confers a benefit on the carrier as well as the shipper. They protect the carrier's equipment from damages resulting from leakage of water and blood. While they probably do not completely protect the equipment from offensive odors, they greatly reduce this problem.

Findings of Fact

1. California Highway Patrol will not allow the transportation of hides otherwise than in leak proof bins.

2. Failure of carriers to provide leak proof bins will result in arrests, damage to carriers equipment and increase in offensive odors which might render the equipment useless for the transport of other types of lading.

3. Adolph Q. Toledo and Charles B. Toledo have been authorized by Decision No. 72211 to deviate from the rules and regulations set forth in Item 85 of Minimum Rate Tariff No. 2 for the transportation of green hides from Stockton to Modesto. Such authority is scheduled to expire April 17, 1968.

4. Adolph Q. Toledo and Charles B. Toledo were also authorized by Decision No. 72211 to furnish carrier owned bins for the transportation of green hides from Stockton to Modesto. This authority expired on October 17, 1967.

5. The deviation from Item 85 of Minimum Rate Tariff No. 2 as requested in Application No. 47998 is reasonable only for the transportation of green hides from Stockton and Dixon to Modesto for Union Hide - Valley Co.

6. Permission to furnish carrier owned bins to the shipper without charge as proposed in Application No. 47998 is reasonable only for the transportation of green hides for Union Hide - Valley Co. from Stockton and Dixon to Modesto.

7. The reasonableness of the requested relief has not been shown by the applicants in Application No. 47998, as amended, for the transportation of green hides from Elk Grove to Modesto.

8. Permission to provide an accessorial service without charge as proposed in Application No. 49585, as amended, has been

shown to be reasonable for the transportation of green hides from Hanford, Selma, Kerman and Fresno to Modesto for Union Hide - Valley Co.

9. The reasonableness of the requested relief in Application No. 49585, as amended, has not been shown for the transportation of green hides from points in the Counties of Fresno, Kings or Tulare other than Hanford, Selma, Kerman and Fresno to Modesto.

The Commission concludes that the authorities requested in Applications Nos. 47998 and 49585, as amended, should be granted to the extent set forth in the order which follows and otherwise should be denied. Because the conditions surrounding the transportation may change, the orders will be limited to a one-year period.

O R D E R

IT IS ORDERED that:

1. Adolph Q. Toledo and Charles B. Toledo are authorized to continue to deviate from the rules and regulations set forth in Minimum Rate Tariff No. 2 to the extent set forth in Appendix A attached hereto in the transportation of green hides from Stockton and Dixon to Modesto.
2. Adolph Q. Toledo and Charles B. Toledo are authorized to transport empty bins without charge to the shipper's plant in Stockton to be used for the transportation of green hides for Union Hide - Valley Co. from Stockton and Dixon to Modesto.
3. Howard Jones is authorized to transport empty bins without charge to the shippers' plants in Hanford, Selma, Kerman and Fresno to be used for the transportation of green hides for Union Hide - Valley Co. from those shipping points to Modesto and to return the same empty bins without charge to the carrier's depot.

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4. The authorities granted in paragraphs 1, 2 and 3 above will expire one year after the effective date of this order, unless sooner canceled, changed or extended.

5. Except insofar as relief is granted by paragraphs 1, 2 and 3 hereof, Applications Nos. 47998 and 49585, as amended, are denied.

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

Dated at San Francisco, California, this 19th
day of MARCH, 1968.

E. Mitchell
President
William L. Bedard
Augusta
William Symon Jr.
Paul P. Monissey
Commissioners

APPENDIX A

Carrier: Adolph Q. Toledo and Charles B. Toledo,
dba Toledo Trucking.

Shipper: Union Hide - Valley Co.

Commodity: Hides, Green - Minimum weight 36,000 pounds. From
Stockton and Dixon to Modesto.

Conditions:

1. Rate is not subject to Paragraph (a) 1. of
Item 85 of Minimum Rate Tariff No. 2.
2. Written shipping instructions shall be
furnished by Union Hide - Valley Co. to
the carrier within a period of two (2)
calendar days (excluding Saturdays,
Sundays, and legal holidays) of the date
on which the first lot is picked up. The
written instructions shall confirm oral
shipping instructions and shall describe
the kind and quantity of property in the
multiple lot shipment.
3. Within a period of two (2) calendar days
(excluding Saturday, Sundays, and legal
holidays) of the date on which it receives
the written shipping instructions, the
carrier shall issue to Union Hide -
Valley Co. the single multiple lot
document required by Paragraph (a) 3. of
Item 85, Minimum Rate Tariff No. 2.