

Decision No. 74919

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into) the rates, rules, regulations, charges,) allowances and practices of all common) carriers, highway carriers and city) carriers relating to the transportation) of any and all commodities between and) within all points and places in the) State of California (including, but not) limited to, transportation for which) rates are provided in Minimum Rate) Tariff No. 2.))

Case No. 5432
(Petition for Modification
No. 515)
(Filed September 27, 1968)

In the Matter of the Investigation into) the rates, rules, regulations, charges,) allowances and practices of all common) carriers, highway carriers and city) carriers relating to the transportation) of property in the City and County of) San Francisco, and the Counties of) Alameda, Contra Costa, Lake, Marin,) Mendocino, Monterey, Napa, San Benito,) San Mateo, Santa Clara, Santa Cruz,) Solano and Sonoma.)

Case No. 5441
(Petition for Modification
No. 150)
(Filed September 27, 1968)

In the Matter of the Application of) Walkup's Merchants Express, a corpor-) ation, for authority to depart from) the rates, rules and regulations of) City Carriers' Tariff No. 1-A and) Minimum Rate Tariff No. 1-B, in) relation to the transportation of) edible flour, in bulk, in pneumatic) equipment, under the provisions of) the City Carriers' Act.)

Application No. 50578
(Filed September 27, 1968)

OPINION AND ORDER

Walkup's Merchants Express, a corporation, hereinafter called petitioner, holds radial highway common carrier and highway contract carrier permits and a certificate to operate as a highway common carrier.

By Decision No. 73205 dated October 17, 1967, in Application No. 49608 and Petitions for Modification Nos. 471 and 129, in Cases Nos. 5432 and 5441, respectively, petitioner was authorized: (1) as a permitted carrier, to assess rates less than the minimum rates otherwise applicable for the transportation of flour, in bulk, within the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and San Francisco, and (2) as a highway common carrier, to publish rates less than those established as minimum for the transportation of flour, in bulk, from San Francisco, Oakland or Vallejo to certain points within 60 miles of said cities and between Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont. The above authority is scheduled to expire with December 1, 1968.

By this application and petitions, petitioner seeks an extension of the current authority to and including March 31, 1969, which, petitioner asserts, is the date that its current labor costs are expected to rise. Petitioner states that the proposal herein is designed to meet existing cost conditions which, it anticipates, will continue in effect until March 31, 1969. Petitioner alleges that the circumstances which justified the granting of the current authority still continue to exist.

Revenue and expense data submitted by petitioner indicate that the transportation involved has been profitable and reasonably may be expected to be profitable during the specified period.

The certificate of service shows that copies of the verified application and petitions were mailed to Draymen's Association of San Francisco and California Trucking Association on September

27, 1968. The application and petitions were listed on the Commission's Daily Calendar of October 1, 1968. No objection to the granting of the application and petitions has been received. On and after November 13, 1968, the intracity transportation involved herein will be performed under petitioner's highway common carrier operative right.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable and are justified by transportation conditions to the extent hereinafter indicated. A public hearing is not necessary. The Commission concludes that the application and petitions should be granted as indicated in the following order.

In view of the impending expiration date of the current authority, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. Walkup's Merchants Express, a corporation, is hereby authorized to publish and file, to expire with March 31, 1969, rates for the transportation of flour, in bulk, between the points and subject to the conditions specifically set forth in Appendix A, attached hereto and by this reference made a part hereof.

2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier

APPENDIX A TO DECISION NO. 74919

WALKUP'S MERCHANTS EXPRESS

Commodity:

Flour, edible, in bulk, when transported in pneumatic air slide semitrailers, self contained to discharge flour by pumping.

Authorized rates (in cents per 100 pounds):

1. Rates lower than minimum rates otherwise prescribed but not less than the following rates applicable between points and places:

(a) Within the City and County of San Francisco (as defined in Minimum Rate Tariff 19) or

(b) Within and between the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont (as defined in Minimum Rate Tariff No. 1-B).

Rates subject to Notes 1 through 10.

<u>Actual Miles</u>	<u>*Rates in cents per 100 pounds Minimum weight 40,000 pounds per shipment</u>
0 - 3	9
3 - 5	9.5
5 - 10	10

*All rates are subject to Notes 1 through 10 and are not subject to the Bay Counties surcharges.

2. Rates lower than minimum rates otherwise prescribed but not less than the following rates applicable from San Francisco, Oakland or Vallejo on the one hand, to destination points beyond the areas described in Paragraph 1 hereof but not exceeding 60 constructive miles from the respective points of origin, on the other hand. Mileages to be computed in accordance with the Commission's Distance Table 6, supplements thereto or successive issues thereof.

<u>Constructive Miles</u>	<u>*Rates in cents per 100 pounds San Francisco, Oakland or Vallejo Minimum weight 40,000 pounds per shipment</u>
0 - 10	11
10 - 15	11.5
15 - 20	12
20 - 25	12.5
25 - 30	13.5
30 - 35	14
35 - 40	15
40 - 45	16
45 - 50	17
50 - 60	18

*All rates are subject to Notes 1 through 10 and are not subject to the Bay Counties surcharges.

- Note 1 - Rail Car Service - An additional charge of 3.5 cents per 100 pounds for unloading from rail car. Add an additional .5 cents (total 4.0 cents) if Walkup's Merchants Express furnishes electrical power at designated team track.
- Note 2 - Weighing Service - Add \$5.50 per trailer load for weighing service requested on any bulk flour haul.
- Note 3 - Rate Computation - When charges accruing on a shipment based on actual weight exceed the charges computed on a rate based on a greater minimum, the latter shall apply.
- Note 4 - Demurrage - If, through no fault of the carrier, delivery cannot be accomplished and the trailer is put out of service without driver in attendance, after the first two hours the added charge will be as follows: \$2.50 per hour for the next consecutive 24-hour period; \$9.50 per hour thereafter. If a driver remains in attendance, a charge of \$15.00 per hour will be assessed.
- Note 5 - Returns - If flour is tendered to consignee, refused, returned to mill or car for unloading, a charge of one and one-half times normal applicable rate will be made.
- Note 6 - Special Setup - Add 3.5 cents per 100 pounds when delivery is made to a bakery not equipped for truck delivery (220 three-phase power and reasonable access).
- Note 7 - Service at Other than Regular Hours - Charges for service on Saturdays, Sundays, or holidays, or charges for service requested on week days at hours other than between 8 A.M. and 5 P.M., shall be those charges applicable to the move plus the additional cost to the carrier for supplying labor at the above-mentioned times.
- Note 8 - Loading Time - An additional charge of \$3.25 shall be assessed for each 30-minute period or fraction thereof after the first 30 minutes of free time.
- Note 9 - Payment of Freight Charges - Rates apply only when service is performed for the account of the consignor and consignor undertakes to pay freight charges.

Note 10 - Multiple Load Shipments - Minimum Charge - When a single shipment is tendered which requires transportation in multiple truckloads and the total weight of such shipment is not divisible by a minimum of 40,000 pounds or a maximum of 42,000 pounds, then a charge will be assessed for the movement of the last truckload based upon the applicable rate applied to a minimum weight of 40,000 pounds, regardless of the actual weight of the last load.

(End of Appendix A)