

ORIGINAL

Decision No. 75510

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 WESLEY L. HANSEN and HERBERT W.
 HAMMOND, co-partners, doing business
 as H & W TRUCKING, under Section
 3666 of the Public Utilities Code of
 the State of California, for author-
 ity to charge rates less than those
 prescribed in Minimum Rate Tariff
 No. 15 for the transportation of
 animal feed and related articles for
 the account of SALYER GRAIN & MILLING
 CO. within a radius of 125 miles of
 Corcoran, California.

Application No. 50908
 (Filed February 24, 1969)

INTERIM OPINION AND ORDER

Applicants transport animal feed and related articles between the plant of Salyer Grain & Milling Co. at Corcoran and various cattle feeding lots and ranches within 125 miles of Corcoran. The animal feed is loaded by gravity into shipper owned trailers. Unloading is performed by means of mechanical devices on each trailer. Applicants furnish only tractors and drivers to move the shipper's trailers. The application seeks authority to perform this transportation at a rate of 33 cents per round-trip mile in lieu of the rates named in Minimum Rate Tariff No. 15.

Applicants have been performing the described service since approximately November 1, 1967. By Decision No. 73199 in Application No. 48967 applicants were granted authority to perform the transportation at the sought rate of 33 cents per round-trip mile. Said authority expired November 15, 1968. Since November 15, 1968 the transportation has been performed pursuant to the minimum rates set forth in Minimum Rate Tariff No. 15.

A. 50908 Mjo

There is attached to the application a statement of revenue and expenses from operations conducted for the period of November 1, 1967 to October 31, 1968 which shows the following:

Operating Revenues	\$65,106.36
Operating Expenses	57,213.11
Operating Profit	7,893.25
Operating Ratio	88.0%

Applicants allege that prior to providing the service Salyer Grain & Milling Co. utilized its own tractors in proprietary operation. The shipper has represented to applicants that it desires to avoid proprietary operation; but should applicants be denied authority to deviate from the minimum rates, it can and will resume proprietary operation.

Applicants request interim authority for a period of six months pending hearing and determination of the application.

The certificate of service shows that a copy of the application was mailed to California Trucking Association, Inc. and California Farm Bureau on February 20, 1969. The application was listed on the Commission's Daily Calendar of February 25, 1969. No objection to the granting of the application has been received.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, it appears and the Commission finds that the rate sought herein is reasonable for the transportation described and concludes that applicants should be granted interim authority for a period of six months. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Wesley L. Hansen and Herbert W. Hammond, doing business as H & W Trucking are authorized to depart from the minimum rates set

A. 50908 Mjo

forth in Minimum Rate Tariff No. 15 for the transportation of animal feed and related articles for Salyer Grain & Milling Co. between that company's plant at Corcoran and cattle feeding yards and ranches within a radius of 125 actual miles of Corcoran subject to the following conditions:

- (a) Shipments shall be transported in trailers owned by the shipper.
- (b) Shipments shall be loaded by the shipper.
- (c) The rate to be assessed shall be 33 cents per mile based on the actual round-trip mileage traversed.
- (d) Applicant shall maintain records showing beginning and ending odometer reading for each trip for each unit of equipment used in the transportation under the rate deviation authorized herein. Such records shall be maintained for a period of three years.

2. The authority granted herein shall expire six months after the effective date of this order.

3. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this application.

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

Dated at San Francisco, California, this 1st
day of APRIL, 1969.

William Lyons, Jr.
President

August

Richard P. Monroisey

W. H. Brown

Commissioners