

ORIGINAL

Decision No. 75530

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
SHIFFLET BROS., INC., a corporation,) Application No. 50748
for authority to charge less than) (Filed December 13, 1968)
minimum rates on specified traffic.)

Frank Loughran, for applicant.
Arthur D. Maruna, H. F. Kollmeyer and
Arlo D. Poe, for California Trucking
Association, interested party.
R. E. Douglas, for the Commission staff.

O P I N I O N

Public hearing in this matter was held before Examiner Mooney in San Francisco on February 27, 1969, on which date the matter was submitted.

Shifflet Bros., Inc., a corporation, is authorized to operate as a radial highway common carrier and as a highway contract carrier. By this application, as amended at the hearing, it seeks authority under Section 3666 of the Public Utilities Code, as a highway contract carrier, to assess rates which differ from established minimum rates for the transportation of welding equipment and welding supplies for Moore's Welding Supply Company (Moore) between the shipper's location in Chico and its location in Sacramento in trailer equipment furnished by the shipper. Applicant will furnish a three-axle tractor and driver only. The proposed rates are \$14.50 per hour for running time and \$7.00 per hour for the time the tractor is standing by for loading or unloading of the trailer. Applicant would pick up a loaded trailer in Chico, haul it to Sacramento, assist Moore's employees in unloading and loading, and

return the trailer to Chico as soon as the loading had been completed. All unloading and loading at Chico would be done by Moore's employees. Running time would be computed from the time applicant's tractor left its terminal in Chico until it arrived at its destination in Sacramento and from the time it left said destination until it returned to applicant's Chico terminal. The time required to pick up and deliver the trailer at Chico would be included in the running time. Immediately upon delivery of the trailer at Chico, the tractor would return to the terminal. Standby time would be computed from the arrival of the equipment at Moore's Sacramento location until its departure therefrom.

Evidence was introduced at the hearing by the president of applicant only. No one opposed the granting of the application.

Following is a summary of the evidence: Applicant is presently transporting welding equipment and supplies for Moore between Chico and Sacramento at the established minimum rates; Moore now owns a trailer unit suitable for this hauling; Moore has advised applicant that unless the authority sought herein is granted, it will buy a tractor and perform the transportation itself; the commodities covered by the proposal vary in weight and take different classifications; primarily welding gases, rods and related items and occasionally small welders are shipped from Sacramento; empty tanks and return items are shipped from Chico; it is difficult to determine the separate weight of each item included in a single load for rating purposes; the use of the proposed rates will result in substantial economies to both Moore and applicant in simplified billing procedure; one round trip will be made each week; the

average running and standby time for a round trip are 5.1 and two hours, respectively; when the tractor and driver return to applicant's terminal, they can be used for other duties; the type of service which applicant will furnish is different from that contemplated by the minimum rate order and involves less cost to the carrier than the service contemplated by the applicable minimum rates.

The president of applicant asserted that the proposed rates are just and reasonable for the transportation in issue. Revenue and expense data furnished by applicant indicate that the proposed rates are fully compensatory and will result in profitable operations.

In the circumstances, the Commission finds that:

1. Applicant is presently transporting welding equipment and supplies for Moore between Chico and Sacramento at the established minimum rates.
2. The type of service which applicant will furnish under the proposal herein is different from that contemplated by the minimum rate order.
3. Operations under the proposed rates and governing rules may reasonably be expected to be profitable during the forthcoming year.
4. The proposed rates and governing rules are reasonable.

We conclude that the application should be granted.

Because the conditions under which the transportation is to be performed may change, the authority which will be granted will be limited to a period of one year unless sooner canceled, modified or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Shifflet Bros., Inc., a corporation, is authorized to transport welding equipment and welding supplies for Moore's Welding Supply Company between Chico and Sacramento at rates different from the established minimum rates but not less than those set forth, and subject to the conditions specified, in Appendix A, attached hereto and by this reference made a part hereof.

2. The authority granted herein shall expire April 14, 1970, unless sooner canceled, modified or extended by order of the Commission.

The effective date of this order shall be April 14, 1969.

Dated at San Francisco, California, this 8th
day of APRIL, 1969.

William J. Synovis, Jr.
President

Augusta
Gregory Morrissey
William J. Synovis, Jr.

John J. Synovis
Commissioners

APPENDIX A

SHIFFLET BROS., INC., a corporation, operating as a highway contract carrier, is authorized to transport welding equipment and welding supplies for Moore's Welding Supply Company between Chico, California and Sacramento, California at rates which deviate from the established minimum rates but not less than the following:

1. \$14.50 per hour running time Sacramento to Chico and return.
\$7.00 per hour for time tractor is standing by for loading or unloading of the trailer.
2. The rates authorized by paragraph 1 of this order are to be applied only when the following conditions are observed in connection therewith:
 - (a) Applicant shall furnish tractor and driver only.
 - (b) Trailer shall be furnished and maintained by Moore's Welding and Supply Company.
 - (c) Trailer shall be unloaded and loaded by Moore's Welding and Supply Company at Chico.
 - (d) Applicant's driver shall assist in unloading and loading of trailer at Sacramento, California only.
 - (e) Running time shall be computed from departure of carrier's equipment at carrier's terminal at Chico, California until arrival at point of destination and from point of destination until return to carrier's terminal at Chico, California.
 - (f) Stand-by time is that which elapses while carrier's tractor remains idle by reason of loading or unloading of shipper's trailer.
 - (g) Time taken by carrier's driver for meals shall not be included in the time on which the rates hereinabove authorized are assessed.

APPENDIX A

- (h) Fractions of hour shall be computed in accordance with the following table:

<u>Over</u>	<u>But not over</u>	<u>Use</u>
0 minutes	8 minutes	-
8 minutes	23 minutes	1/4 hour
23 minutes	38 minutes	1/2 hour
38 minutes	53 minutes	3/4 hour
53 minutes	60 minutes	1 hour

- (i) Articles to be transported need not be itemized on the shipping document.
- (j) Each shipping document shall identify the property to be transported, as "welding equipment and/or welding supplies."

(End of Appendix A)