

ORIGINALDecision No: 75624

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THOMPSON BROS. INC., A Corporation,)
 to depart from the rates, rules and)
 regulations of Minimum Rate Tariff)
 No. 2, under the provisions of the)
 Highway Carrier's Act.)

Application No. 50979
 (Filed April 1, 1969)

O P I N I O N

Thompson Bros. Inc., a corporation, operates as a highway common carrier for the transportation of specific commodities, and as a highway contract carrier. It seeks, as a highway permit carrier, to depart from the established minimum rates for the transportation of sugar for California & Hawaiian Sugar Company (C & H), from that company's plant at Crockett to points located in fourteen central coastal area counties.^{1/}

The application states that applicant's affiliate, Thompson Bros. Freight Forwarding Co., Inc., now holds authority to depart from the minimum rates for transportation performed for C & H from Crockett to points in northern California.^{2/} In this application, Thompson Bros., Inc. seeks to transfer to it the

^{1/} Said counties are as follows: San Francisco, Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma.

^{2/} By Decision No. 74471, dated July 30, 1968, in Application No. 50307, Thompson Bros. Freight Forwarding Co., Inc. was authorized (1) to charge rates 3 cents per 100 pounds less than the applicable minimum rates named in Minimum Rate Tariff No. 2 for the transportation of sugar, in packages, minimum weight 10,000 pounds per shipment, from C & H at Crockett to points located within 350 constructive miles of Crockett and (2) to return the empty pallets to point of origin without charge under specified conditions. Said authority is scheduled to expire August 15, 1969.

portion of the authority currently held by its affiliate for service within the central coastal area counties. The application alleges that all parties concerned have agreed to said transfer. The application avers that the operations, equipment and direct costs relating to the transportation to be performed by applicant are substantially the same as those conducted by its affiliate under its authority to depart from minimum rates. The application asserts that the granting of the authority sought herein will result in increased efficiency and lower indirect costs, along with improved service to customers of C.&H.

Notice of the filing of the application appeared on the Commission's Daily Calendar of April 2, 1969. There are no protests. By letter dated April 4, 1969, the California Trucking Association informed the Commission that said organization has considered the proposed relief, and has no objection to the ex parte consideration requested.

In the circumstances, it appears, and the Commission finds, that the proposed rates, charges and rules will be reasonable. A public hearing is not necessary. The application should be granted. The authority will be made to expire on the date that the current authority granted to applicant's affiliate is scheduled to expire.

O R D E R

IT IS ORDERED that:

1. Thompson Bros., Inc., a corporation, is hereby authorized to depart from the minimum rates set forth in Minimum Rate Tariff No. 2, for the transportation of sugar, in packages, from California and Hawaiian Sugar Refining Corporation at Crockett to points in the counties of Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey,

Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma, by charging rates (a) 3 cents per 100 pounds less than the Class 50.1 rates on less-truckload shipments of not less than 10,000 pounds; and rates (b) 3 cents per 100 pounds less than the Class 35.2 rates on truckload shipments, minimum weight 40,000 pounds; subject to the conditions and limitations set forth in Appendix A attached hereto and by this reference made a part hereof.

2. Thompson Bros., Inc., a corporation, is hereby authorized to transport empty pallets without charge to California and Hawaiian Sugar Refining Corporation at Crockett from points in the counties named in paragraph 1 hereof, subject to the conditions and limitations set forth in Appendix A referred to in Ordering Paragraph 1 hereof.

3. The authority granted herein shall expire with August 15, 1969.

The effective date of this order is ten days after the date hereof.

Dated at San Francisco, California, this 29th day of APRIL, 1969.

William Lyons, Jr.
President

Morgan

James P. Morrissey
(PWA BBA)

[Signature]
Commissioners

APPENDIX A

Carrier: Thompson Bros., Inc.

Shipper: California and Hawaiian Sugar Refining Corp., Crockett.

Commodity: Sugar, in packages
Minimum weight 10,000 pounds per shipment.

Conditions: Subject to Notes 1, 2 and 3.

Note 1: Rates named are subject to the Central Coastal Territory surcharges named in Supplement No. 74 to Minimum Rate Tariff No. 2, where applicable, also all other applicable provisions shown in Minimum Rate Tariff No. 2 will apply except that Items Nos. 200 to 241 will not apply.

Note 2: When palletized shipments of sugar are transported under rates named herein, the empty pallets, platforms or skids may be transported to the point of origin of the palletized shipment without charge subject to the following terms and conditions:

- (1) Shipment must be loaded into carrier's equipment by the consignor with power equipment, furnished and used without expense to the carrier and when no services are performed at carrier's expense or by carrier personnel.
- (2) Shipper must indicate the number of pallets and weight thereof on bill of lading covering the loaded movement, and must show reference to the Shipping Document and date of shipment of the inbound movement on the outbound Shipping Document.
- (3) Shipper must indicate on shipping documents that palletized shipments were loaded directly onto trailers by power-loading equipment operated by personnel furnished by shipper.

- (4) Carrier will assess applicable tariff charges on empty pallets under the following conditions:
 - (a) If consignee immediately upon receipt of shipment fails to provide carrier with up to a like number of pallets, either for a return movement, or loaded for a beyond move by carrier, or
 - (b) For any empty pallets tendered in excess of the number of loaded pallets transported by carrier on said shipment.
- (5) For the purpose of this authority, empty pallets, platforms or skids shall be as described in Item No. 150370 (Sub 1), 150380, 150390 (Sub 2) or 150430 (Sub 2), of National Motor Freight Classification A-9; six inches or less in height or nested solid (as defined in Rule 110 of said classification), and of wood, metal or wood and metal construction.

Note 3: The rates herein authorized shall not be applicable to any transportation Thompson Bros., Inc., is authorized to perform as a certificated highway common carrier.

(End of Appendix A)