

**ORIGINAL**Decision No. 75921

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 THOMPSON BROS. FREIGHT FORWARDING  
 CO., 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. 51154  
 (Filed June 10, 1969)

AND

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.

O P I N I O N

Thompson Bros. Inc. and Thompson Bros. Freight Forwarding Co., Inc., are affiliated California corporations which operate as highway contract carriers for the transportation of sugar. Applicants are presently authorized to transport packaged sugar for the California & Hawaiian Sugar Company (C & H) from Crockett to points in Northern California at rates 3 cents less than the otherwise applicable class rates for shipments of 10,000 pounds or more. Said authorities are scheduled to expire August 15, 1969.

Applicants seek to extend the present authorities to depart from minimum rates for C & H for a period of one year. In justification for the sought authority, the application states that shipments are loaded by C & H personnel with no assistance from applicants' personnel; during the past year C & H has completed mechanical loading facilities at all but one of its loading docks and during the month of April 1969 75 percent of the loads from the Crockett plant were power-loaded. Applicants aver that, except for

increased labor costs effective April 1, 1969, the transportation circumstances which justified the original authorities continue to exist; labor cost increases are offset by increases in the minimum class rates effective May 10, 1969 in Minimum Rate Tariff No. 2. Applicants state that they are satisfied that the transportation services involved in the application will continue to be compensatory. Applicants have furnished a cost analysis in a letter dated June 20, 1969 (incorporated as Exhibit 1) which shows that cost savings to the carriers of loading services provided by the shipper amount to 3.2 cents per 100 pounds. Applicants propose to pass back to the shipper 3 cents per 100 pounds of said savings in loading cost.

The application was served in accordance with Commission rules, and notice of the filing of the application appeared on the Commission's Daily Calendar of June 11, 1969. There are no protests.

In the circumstances, the Commission finds that the proposed rates will be reasonable and that a public hearing is not necessary. The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that:

1. Thompson Bros. Freight Forwarding Co., Inc., is authorized to transport sugar in packages for California & Hawaiian Sugar Co. from said company's plant at Crockett to points in California not over 350 constructive miles from Crockett, at rates less than the established minimum rates, as more specifically set forth in Appendix A, attached hereto and made a part hereof.

2. Thompson Bros. Inc. is authorized to transport sugar in packages for California & Hawaiian Sugar Co. from said company's plant at Crockett to points within the counties of San Francisco, Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma, at rates less than the established minimum rates, as more specifically set forth in Appendix B attached hereto and made a part hereof.

3. On and after the effective date of this order, the authority granted herein shall supersede the authority granted to applicants in Decision No. 75624, dated April 29, 1969, in Application No. 50979, Decision No. 74471, dated July 30, 1968, in Application No. 50307, and Decision No. 75767, dated June 10, 1969, in Applications Nos. 50307 and 50979.

4. The authority granted herein will expire with August 15, 1970.

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

Dated at SAN FRANCISCO, California, this 15<sup>TH</sup> day of JULY, 1969.

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President

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Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

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THOMPSON BROS. FREIGHT FORWARDING CO. INC.

- COMMODITY: Sugar in packages, on or off pallets.
- FROM: California and Hawaiian Sugar Co., Crockett, California.
- TO: To points in California not over 350 constructive miles from Crockett.
- RATES: Class rates named in Minimum Rate Tariff No. 2 applicable on shipments of sugar weighing 10,000 pounds or more, less an allowance of 3 cents per 100 pounds when shipments are loaded by shipper without expense to carrier, subject to the following conditions and limitations:
- CONDITIONS: SUBJECT TO NOTES 1, 2 AND 3.
- Note 1: Rates named are subject to the Central Coastal Territory surcharges named in Supplement No. 66 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 into 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

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- (b) For any empty pallets tendered in excess of the number of loaded pallets transported by carrier on said shipment.
- (5) The constructive mileage from point of origin to point of destination of the shipment shall not exceed 350 constructive miles.
- (6) 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.

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THOMPSON BROS. INC.

COMMODITY: Sugar in packages, on or off pallets.

FROM: California and Hawaiian Sugar Co., Crockett,  
California.

TO: To points located within the counties of San  
Francisco, Alameda, Contra Costa, Lake, Marin,  
Mendocino, Monterey, Napa, San Benito, San  
Mateo, Santa Clara, Santa Cruz, Solano and  
Sonoma.

RATES: Class Rates named in Minimum Rate Tariff No. 2  
applicable on shipments of sugar weighing 10,000  
pounds or more, less an allowance of 3 cents per  
100 pounds when shipments are loaded by shipper  
without expense to carrier, subject to the follow-  
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CONDITIONS: SUBJECT TO NOTES 1, 2 AND 3.

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Territory surcharges named in Supplement No. 66  
to Minimum Rate Tariff No. 2, where applicable,  
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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, plat-  
forms or skids may be transported to the point of  
origin of the palletized shipment without charge  
subject to the following terms and conditions:

- (1) Shipments must be loaded into carrier's equip-  
ment 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 of the outbound  
Shipping Document.
- (3) Shipper must indicate on shipping documents  
that palletized shipments were loaded directly  
into 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:

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- (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.