

ORIGINAL

Decision No. 76376

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Wayne L. Rogers for
 authority to deviate from the tariff
 rate of 6½¢ per CWT. (\$1.30 per Ton)
 to a favorable rate of \$.51 per Ton.
 The commodity involved is grains to
 be transported in bulk form. The
 transporting of the bulk grain is to
 be for Julius Goldman's Egg City,
 Moorpark, California. The authority
 to deviate is sought under P.U.C.
 Code Sec. 3666.

Application No. 51221
(Filed July 3, 1969)

Wayne L. Rogers, in propria persona.
J. C. Kasper, H. F. Kollmyer and
W. A. Dillon, for California
 Trucking Association, interested
 party.
Ralph Staunton and J. M. Jenkins, for
 the Commission staff.

O P I N I O N

Wayne L. Rogers (applicant) is authorized to operate as a radial highway common carrier (permit No. T-66-613, issued October 20, 1959, as amended) for the transportation of bulk grain and bulk commodities named in Minimum Rate Tariff No. 14-A, within 150 miles of Moorpark, California. By this application he seeks authority to transport bulk grain at less than the minimum rate between the railroad siding in Moorpark, California and Julius Goldman's Egg City, four constructive miles north thereof (Exhibit No. 2). Public hearings in this matter were held before Examiner Rogers on August 21 and September 22, 1969. There were no protests.

Applicant is now transporting the bulk grain for chicken feed. In performing this service, a dump truck is driven under a hopper at a railroad siding and the driver pulls a lever to open a bunker and fill the truck. When the truck arrives at the destination it is driven over a pit and the driver trips the unloading mechanism on the truck to unload. It requires not over three minutes each to load and unload. A round trip requires approximately thirty minutes. The truck carries between twenty and twenty-two tons net. Applicant never carries less than twenty-two tons per trip.

Applicant seeks authority to perform said transportation at the rate of 51 cents per ton. This rate is different from and lower than the minimum rate for such transportation established by Minimum Rate Tariff No. 14-A, which is \$1.30 per ton.

Applicant has two tractors and two trailers. One set of equipment is used in the transportation herein considered.

Exhibit No. 1 herein is a financial statement showing (page 1) his revenues and expenses from all his operations since he started hauling for Egg City (February 1, 1969 through August 31, 1969), his revenues and expenses from the hauling for Egg City during said period (page 2), and a statement of his financial condition as of August 31, 1969 (page 3). This exhibit shows that the applicant will make a reasonable profit in performing the hauling at the proposed rate.

The applicant testified that except on rare occasions he uses drivers other than himself; that he does the mechanical work on his equipment; that his labor is reflected in the costs of operation set forth in said exhibit; and that his compensation is reflected in the overall operating profits.

The applicant stipulated that the hauling could be restricted to a minimum weight of twenty-two tons per load and that the authority requested could be limited to a period of one year.

The evidence presented by the applicant shows that the proposed rate will be compensatory.

We find that the proposed rate is compensatory and is reasonable for the transportation service involved. We conclude that the authority sought should be granted. Because transportation conditions are subject to change the authority should be limited for a period of one year.

O R D E R

IT IS ORDERED that:

1. Wayne L. Rogers, an individual, is authorized to charge and collect a rate different and less than the applicable minimum rates, but no lower in volume and effect than 51 cents per ton of 2,000 pounds in truck load lots of not less than twenty-two tons of 2,000 pounds, for transportation of bulk grain between the loading hopper on the Southern Pacific Company railroad siding at Moorpark, on the one hand, and Julius Goldman's Egg City, on the other hand, a one-way distance of not to exceed four constructive miles, subject to the following conditions:

- a. The grain shall be loaded by gravity from hoppers at the point of origin.
- b. The grain shall be unloaded by gravity at the point of destination.
- c. The minimum load shall be twenty-two tons of 2,000 pounds or the equivalent charge therefor.

2. The authority granted in Paragraph No. 1 hereof shall expire one year after the effective date hereof unless sooner modified, canceled or extended by the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4th day of NOVEMBER, 1969.

William J. ...
President

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Yvonne L. Stinson
Commissioners