

ORIGINAL

Decision No. 78799

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)	
TOM UTSUKI TRUCKING, INC., a)	
California corporation, for authority)	Application No. 52634
to deviate from the minimum rates)	(Filed May 21, 1971)
pursuant to Section 3666 of the)	
Public Utilities Code, for specified)	
shippers.)	

INTERIM OPINION AND ORDER

By this application, Tom Utsuki Trucking, Inc., a corporation, seeks authority under its radial highway common carrier permit to transport sodium chloride in bulk in dump truck equipment between points in Los Angeles and Orange Counties for Leslie Salt Company, Ocean Salt Company and Western Salt Company at hourly rates in lieu of the Commission's established rates in cents per 100 pounds.

Applicant states that in essence the requested relief would continue the hourly rates which were published in Minimum Rate Tariff 5 prior to the changes brought about by implementation of Decisions Nos. 78264, 78266 and 78271.¹ Applicant points out that Minimum Rate Tariff 15 does not provide hourly rates for the transportation of property in dump truck equipment and that the cancellation of the hourly rate provisions in Minimum Rate Tariff 5 has materially increased the rates and charges for the transportation of sodium chloride, in bulk, in dump truck equipment between points in Los Angeles and Orange Counties.

¹ By these decisions, as amended by Decision No. 78472, the Commission, among other things, canceled the hourly rates in Minimum Rate Tariff 5 and established weight rates in Minimum Rate Tariff 2 and hourly rates in Minimum Rate Tariff 15 for the transportation of property between points in Los Angeles and Orange Counties.

Applicant declares that the subject transportation is performed in transfer dump truck equipment capable of transporting approximately 25 tons of sodium chloride. Applicant avers that it averages approximately 3 loads per day in such equipment and contends that the aforementioned transportation is highly efficient.

Applicant alleges that, unless the sought relief is granted, immediate diversion of this traffic to proprietary operations will result and that, once the shipper purchases a truck for this transportation, the traffic will be forever lost to it and to the for-hire transportation industry.

Revenue and expense data submitted by applicant indicate that the subject transportation has been profitable and may be reasonably expected to be profitable under the proposed rates in the future.

Copy of this application was mailed to California Trucking Association on or about May 21, 1971. The application was listed on the Commission's Daily Calendar of May 25, 1971. By letter dated May 25, 1971, California Trucking Association objected to the relief sought herein including interim ex parte handling thereof.

The Transportation Division staff has reviewed the instant application and Applications Nos. 52546 and 52579 of Bulk Freightways and West Coast Warehouse Corporation, respectively. The applicants in the latter two proceedings sought to apply the hourly rates in question for the transportation of property in the same area in specialized equipment under the same circumstances and conditions and the protestant in this proceeding did not object to the interim authorities granted to such applicants by Decisions Nos. 78630 and 78649. Applicant in this proceeding claims that a denial of its emergency request would cause it to suffer to such an extent

by loss of its business to proprietary trucking that an economic recovery would be impossible. The staff recommends that the status quo be maintained with respect to all of the aforementioned carriers and the involved shippers and that the application be granted by ex parte order on an interim basis pending decision on evidence to be adduced at a public hearing.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, it appears, and the Commission finds, that the proposed rates are reasonable. In view of the existing conditions, the Commission concludes that applicant 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. Tom Utsuki Trucking, Inc., a corporation, is authorized to depart from the minimum rates and rules set forth in Minimum Rate Tariff No. 2 for the transportation of sodium chloride, in bulk, in dump truck equipment, between points in Los Angeles and Orange Counties for Leslie Salt Company, Ocean Salt Company and Western Salt Company as more specifically 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 six months after the effective date of this order unless sooner canceled, modified or extended by order of the Commission.

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

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

Dated at San Francisco, California this 15th day of June, 1971.

Chairman

Commissioners

APPENDIX A

Carrier: TOM UTSUKI TRUCKING, INC.
Shippers: Leslie Salt Company, Ocean Salt Company and Western Salt Company.
Commodity: SODIUM CHLORIDE, in bulk, in dump trucks.
Rates and Territory:

Sodium chloride, in bulk, in dump trucks, transported between or within Los Angeles and Orange Counties, subject to Notes 1, 2, 3, 4 and 5:

<u>Weight in Pounds</u>	<u>Rates in Cents per Hour</u>
0 to 20,000 pounds	1639
Over 20,000 but not over 30,000 pounds	1720
Over 30,000 pounds	1887

- Note (1) Subject to a minimum charge of three (3) hours for each load.
- Note (2) Weight in pounds is the greatest (heaviest) gross weight of the property transported by the unit of carrier's equipment at one time during a single transaction.
- Note (3) (a) The total of the loading, unloading and driving time computed from the arrival of carrier's equipment at point of origin or first point of origin when more than one point of origin is involved, to the time unloading is completed at point of destination, or last point of destination when more than one point of destination is involved, subject to paragraph (b) hereof, shall be used to compute charges.
- (b) In computing time under the basis outlined in paragraph (a) hereof the various time factors shall be not less than the actual time involved in minutes. After the total time has been determined under the provision of paragraph (a) hereof, it shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the following table:

Less than 8 minutes-----omit
 8 minutes or more but less than 23 minutes shall be 1/4 hour
 23 minutes or more but less than 38 minutes shall be 1/2 hour
 38 minutes or more but less than 53 minutes shall be 3/4 hour
 53 minutes or more shall be 1 hour.

- Note (4) Between the hours of 6:00 P.M. and 7:00 A.M., and on Saturdays, Sundays and the holidays of New Year's Day, Washington's Birthday, Memorial Day, July 4, Labor Day, the Day after Thanksgiving, December 24, and Christmas Day, an additional charge at the rate of \$4.00 per hour (or fraction thereof) shall be assessed.
- Note (5) Rates named herein are subject to an additional charge at the rate of \$8.00 per man-hour, minimum charge \$4.00, when carrier furnishes help in addition to the driver. The time for computing the additional charge shall be not less than the actual time in minutes the helper or helpers are engaged in performing the services. The total time so computed shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the table provided by Note 3(b).

Prior to the transportation of the property, LESLIE SALT COMPANY, OCEAN SALT COMPANY and WESTERN SALT COMPANY, must enter into a written agreement with TOM UTSUKI TRUCKING, INC. to ship at rates no lower than those provided herein, stating specifically the class of service desired. No single agreement shall cover shipments transported over a period in excess of 31 days.

The agreement shall be in substantially the following form and the original or a copy thereof shall be retained and preserved by the carrier, subject to the Commission's inspection, for a period of not less than three (3) years from the date of its issuance.

In accordance with these provisions, I hereby elect to have sodium chloride transported by TOM UTSUKI TRUCKING, INC., from _____ California, to points in Los Angeles and Orange Counties, California, at the rates and charges set forth in Decision No. _____ of the Public Utilities Commission of California.

Shipper: _____ By _____

Confirmed:

_____ By _____

(END OF APPENDIX A)