

Decision No. 79418

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TRANSPORTATION)
SERVICE COMPANY for authority to)
deviate from Minimum Rate Tariff 15))
under the provisions of the High-)
way Carriers Act on transportation)
for Shasta Beverage Company at)
Hayward.)

Application No. 52978
(Filed November 8, 1971)

OPINION AND ORDER

Transportation Service Company, a corporation, operates as a highway permit carrier. By this application, it seeks authority to depart from the provisions of Minimum Rate Tariff 15 (MRT 15) in connection with the transportation of property for Shasta Beverage Company by applying the base vehicle unit rate for services performed between the hours of 7:00 a.m. and 3:30 p.m. instead of between 8:00 a.m. and 5:15 p.m.

Applicant states that the union contract under which its drivers are employed for transportation for Shasta Beverage Company at Hayward provides for straight time pay between the hours of 7:00 a.m. and 3:30 p.m. with overtime or premium pay applying prior to 7:00 a.m. and after 3:30 p.m.¹ Applicant asserts that

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Attached to the application is a letter from the Business Agent of the Brotherhood of Teamsters and Auto Truck Drivers, Local No. 70 of Alameda County, confirming the fact that there is a 7:00 a.m. starting time in the current agreement between applicant and Teamsters Local No. 70.

compliance with the aforementioned provisions of MRT 15 and its union contract would create a hardship and an unnecessary expense in that it would be required to bill the shipper for premium time and pay its drivers for straight time for services performed between 7:00 a.m. and 8:00 a.m. and to bill the shipper for straight time and pay its drivers for premium time for services performed between 3:30 p.m. and 5:15 p.m.

Applicant avers that it commenced operations under contract with the shipper on November 1, 1971, on a monthly basis and plans to enter into an agreement with the shipper in January of 1972 for a period of one year. In view of these circumstances, applicant requests immediate relief in this matter for a period of fourteen months.

Copy of the application was mailed to California Trucking Association on November 4, 1971. The application was listed on the Commission's Daily Calendar of November 9, 1971. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and recommends that it be granted by ex parte order for a period of fourteen months.

In the circumstances, it appears, and the Commission finds, that the proposed departure from the hours-of-service provisions of MRT 15 is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted to the extent hereinafter indicated.

IT IS ORDERED that:

1. Transportation Service Company, a corporation, is authorized to depart from the provisions of Note 2 of Items 200, 211, 300 and 311 of Minimum Rate Tariff 15 for the transportation of property for Shasta Beverage Company located in Hayward by applying the base monthly or yearly vehicle unit rates in Section 2 or 3 of the tariff for services performed between the

hours of 7:00 a.m. and 3:30 p.m. and the rates for premium pay hours set forth in Item 530 of the tariff for services performed before 7:00 a.m. or after 3:30 p.m.

2. The authority herein granted shall expire fourteen months after the effective date of this order unless sooner canceled, modified or extended by order of the Commission.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 23rd day of November, 1971.

Chairman
William J. ...
[Signature]
[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.