

Decision No. 79939

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of)
F. O. Culy Sr., Harold F. Culy, &)
Frank O. Culy Jr., D/E/A/ RITEWAY)
TRANSPORTATION to depart from the)
rates, rules and regulations of)
Minimum Rate Tariff No. 2 for the)
transportation of bulk salt and)
sugar in shipper owned containers.)

Application No. 53135
(Filed February 9, 1972)

INTERIM OPINION AND ORDER

F. O. Culy, Sr., Harold F. Culy and Frank O. Culy, Jr., doing business as Riteway Transportation, operate as a highway permit carrier. By this application they seek authority to assess rates less than the established minimum rates set forth in Minimum Rate Tariff 2 to transportation performed for Campbell Soup Company on: (1) bulk salt between Sacramento and Newark; (2) sugar between Sacramento, on the one hand, and Tracy and Crockett, on the other hand; and (3) used empty bins returning from Sacramento to Newark, Crockett, Tracy and Woodland. Applicants request interim relief in this matter as the shipper is urgently in need of this service.

Applicants propose to transport the sugar and salt in shipper-owned bins of not less than 60 cubic feet capacity at a rate of 31 cents per 100 pounds, minimum weight 45,000 pounds per shipment. The rate would apply subject to the condition that the weight of the bins must be shown separately on the bill of lading and may not be used to make up the

minimum weight of the shipment. Applicants also propose to assess rates, which are 50% of the Class 55 rates, minimum weight of 5,000 pounds per shipment, for the aforementioned transportation of empty bins.

Applicants state that the sought authority is similar to that currently held by Thompson Bros. Freight Forwarding Co., Inc. and that carrier desires to discontinue its transportation service under said current authority. Applicants aver that the transportation involved has been performed regularly and continuously on a daily basis since 1963 and that the conditions, which warranted the granting of the original less-than-minimum-rate authority, continue to exist. Applicants allege that the shipper requires that its cost factors be maintained under the present economic guidelines and that the transportation service be maintained without interruption in the manufacturing process of its products.

Revenue and expense data submitted with the application indicate that the transportation of the salt, sugar and bins at the proposed rates would be compensatory and would result in an operating ratio of 75.3 percent.

Copy of the application was mailed to California Trucking Association, Thompson Bros. Freight Forwarding Co., Inc. and other interested parties on or about February 3, 1972. The application was listed on the Commission's Daily Calendar of February 10, 1972. 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 on an interim basis pending decision on evidence to be adduced at a public hearing.

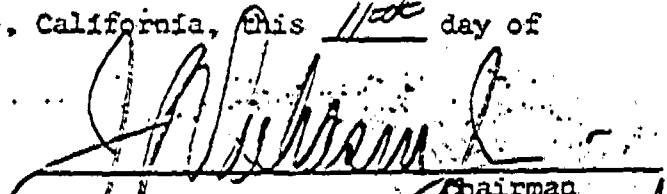
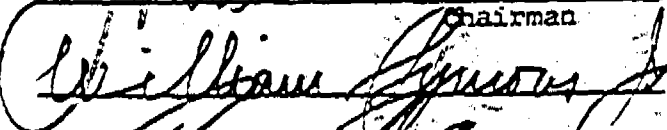
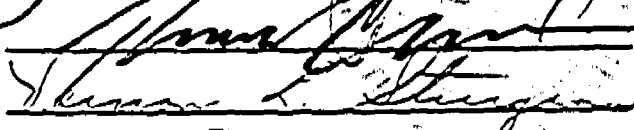
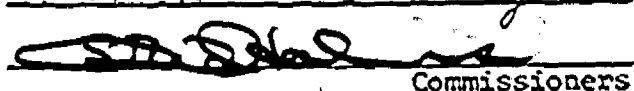
Subject to further review upon consideration of evidence which may be adduced at a public hearing, it appears, and the Commission finds, that the proposed rates are reasonable. In view of the existing conditions, the Commission concludes that applicants should be granted interim authority for a period of six months. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. F. O. Culy, Sr., Harold F. Culy and Frank O. Culy, Jr., doing business as Riteway Transportation, are authorized to transport salt, sugar and used empty bins for Campbell Soup Company at rates less than the established minimum rates but not less than those set forth, and subject to the provisions 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.
3. A public hearing shall be scheduled in the proceeding for the receipt of evidence on this application and full disposition thereof.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 11th day of April, 1972.


Chairman



Commissioners

APPENDIX A

F. O. Culy, Sr., Harold F. Culy and Frank O. Culy, Jr.
dba

RITEWAY TRANSPORTATION.

Item No. 1

Commodity: Common Salt, in shipper-owned bins of not less than 60 cubic feet capacity.

Between : Campbell Soup Company Plant, Sacramento,

And : Newark

Rate : 31 cents per 100 pounds, subject to Note 1.

Commodity: Refined Sugar, in shipper-owned bins of not less than 60 cubic feet capacity.

Between : Campbell Soup Company Plant, Sacramento on the one hand,

And : Tracy and Crockett, on the other hand.

Rate : 31 cents per 100 pounds, subject to Note 1.

Note 1: Minimum weight 45,000 pounds per shipment. Rate applies to the combined weight of the commodity and bins. The weight of the bins must be shown separately on the bill of lading and may not be used to make up the minimum weight of the shipment.

Item No. 2

Commodity: Used Empty Bins, for the return paying load of commodities in Item No. 1.

From : Campbell Soup Company Plant, Sacramento,

To : Newark, Crockett, Tracy and Woodland.

Rating : 50% of applicable Class 55 rating subject to a minimum weight of 5,000 pounds per shipment.

Item No. 3

LOADING AND UNLOADING CARRIER'S EQUIPMENT

The loading and unloading of carrier's equipment will be performed by the shipper's forklift trucks. One hour free time will be allowed for loading and unloading bins commencing from the time carrier's equipment is placed at the designated loading or unloading place. Delay in excess of free time will be charged for as provided in Item No. 145 of Minimum Rate Tariff 2.

Item No. 4

OTHER PROVISIONS

All other provisions of Minimum Rate Tariff 2 are to apply.

(END OF APPENDIX A)