

Decision No. 80693

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of PACIFIC STATES EXPRESS, INC.)
for authority to deviate from)
provisions contained in Item 50)
of Minimum Rate Tariff No. 15)
under provisions of Section 3666)
of the Public Utilities Code.)

Application No. 53651
(Filed October 18, 1972)

OPINION AND ORDER

By this application, Pacific States Express, Inc., a corporation, seeks authority as a highway permit carrier to deviate from the provisions of Minimum Rate Tariff 15 (MRT 15) which limit service performed thereunder to points within a radius of 250 air miles from the base of operations in connection with the transportation of property for Safeway Stores, Incorporated (Safeway) from bases of operations located at Los Angeles, San Leandro and Stockton.¹

Applicant states that the involved transportation services are currently performed by Safeway in the shipper's equipment but that Safeway proposes to discontinue such operations and utilize its services under the rates published in MRT 15. Applicant points out that, because of special circumstances and conditions peculiar to the size and scope of Safeway's operations, efficient and economical transportation services have required distribution between some points which are over 250 air miles apart. Applicant declares that these special circumstances were not considered in the development of the current mileage restriction in MRT 15 and that the additional mileage and overtime charges in MRT 15 would compensate

¹ "Base of Operations," as defined in Item 10 of MRT 15, means "the single point described in the written agreement which shall be a point at which the shipper will regularly tender freight to the carrier or will regularly receive freight from the carrier."

it for any additional costs that may be incurred. Applicant avers that time is of the essence in the handling of this matter as Safeway plans to utilize its services as of November 1, 1972.

The application was listed on the Commission's Daily Calendar of October 20, 1972. No objection to the granting of the application has been received.

Commission staff analysis discloses that the proposal would permit Safeway to benefit from the application of the lower vehicle unit rates for certain transportation services which exceed 250 miles and allow applicant to obtain additional traffic under compensatory rates. Inasmuch as the conditions surrounding the transportation involved may change and there is an urgent need for the sought relief, the staff recommends that the sought authority be granted by ex parte order for a period of one year.

In the circumstances, the Commission finds, that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Pacific States Express, Inc., a corporation, is authorized to deviate from the provisions of Paragraph (c) of Item 50 of Minimum Rate Tariff 15 in connection with the transportation of property for Safeway Stores, Incorporated, from bases of operations located at Los Angeles, San Leandro and Stockton.

2. The authority herein granted shall expire November 1, 1973, unless otherwise canceled, modified or extended by further order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 31st day of October, 1972.

Vernon L. Stenger
President
W. J. [illegible]
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Commissioners