

Decision No. 80697**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MARGARITA DEROSE and
 ROBERT DEROSE, dba DEROSE & SON,
 for authority to deviate from Minimum
 Rate Tariff 2 for transporting straw-
 berry plants shipped by Driscoll
 Strawberry Associates, pursuant to
 Section 3666 of Public Utilities Code.)

Application No. 53629
 (Filed October 10, 1972)

INTERIM OPINION AND ORDER

By this application, Margarita DeRose and Robert DeRose, dba DeRose & Son, seek authority under a radial highway common carrier permit to assess rates less and different than the established minimum rates for the transportation of rooted strawberry plants, in burlap bags, for Driscoll Strawberry Associates from nurseries where they are grown in Red Bluff and McArthur to Driscoll's plant in Watsonville, California, where the plants are prepared for distribution and replanting.

Applicants declare that the sought rate is urgently needed since the strawberry plants must be removed between October and December in order to be capable of producing by the following harvest. Applicants state that the weights of the shipments will vary depending upon the condition of the soil when they are dug from the beds. If the ground is wet or frozen, a large amount of dirt will adhere to the plants resulting in heavy loads, whereas, if the ground is dry, less dirt will cling to the plants and the loads will be lighter. They contend that a substantial part of the loads will be waste materials.

Applicants allege that in performing the service, they will do no loading or unloading. All of this will be done by the shipper with its own employees and equipment. Applicants will deliver trailers to the nurseries where the plants are dug.

Thereafter, when a trailer has been loaded, applicants haul an empty trailer to the point of shipment and pick up the loaded trailer. At the point of destination, the trailer is dropped and left to be unloaded by the shipper. Therefore, there will be no time lost to applicants during the loading and unloading. This is a factor which lowers the operating cost.

Further, applicants haul strawberries for Driscoll Strawberry Associates during the growing season, which is approximately seven to eight months. The hauling of the strawberry plants furnishes applicants with additional work and revenues during the balance of the year and provides a longer working period for its employees.

Applicants propose to treat each load as if it weighs 27,000 pounds regardless of actual weight. The rate applied will be those normally provided in MRT 2 for shipments with a minimum weight of 20,000 pounds.

Data submitted by applicants indicate that the proposed rates will be compensatory for the transportation involved.

The verified application shows that a copy thereof was mailed to California Trucking Association on or about October 6, 1972. The application was listed on the Commission's Daily Calendar. No objection to the granting of the application has been received.

After consideration the Commission concludes that the application should be granted by ex parte order on an interim basis pending the public hearing.

Subject to further review upon consideration of the 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:


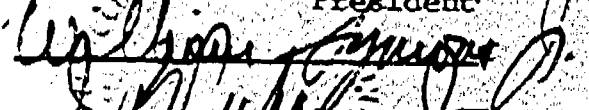


1. Margarita DeRose and Robert DeRose, dba DeRose & Son, are authorized to transport strawberry plants, in burlap bags, at rates less and different than the established minimum rates but not less than those set forth, and subject to the conditions specified, in Appendix A attached hereto and by this 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 is the date hereof.

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


President



Commissioners

APPENDIX A

Margarita DeRose and Robert DeRose, dba DeRose & Son, are authorized to transport strawberry plants, in burlap bags, for Driscoll Strawberry Associates, from nursery beds to processing plants at the point-to-point rates hereinafter set forth. Other than as authorized herein, the rates and rules in Minimum Rate Tariff 2 will be applicable to the involved transportation.

<u>Origin</u>	<u>Destination</u>	<u>Rate Per Shipment</u>
Red Bluff	Watsonville	\$324.15
McArthur	Watsonville	375.45

- (1) Rates do not include loading or unloading by carrier's employees.
- (2) For delay to equipment at place of pickup or delivery which exceeds one hour, charges shall be assessed as prescribed in Items 142 and 145 of Minimum Rate Tariff 2.
- (3) Shipper shall have exclusive use of equipment while transportation is being performed under the above rates.