

ORIGINAL

Decision No. 80866

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of KINGS COUNTY TRUCK)
LINES for authority to charge)
less than the minimum rates)
heretofore established by the)
Commission, as authorized in)
Section 3666 of the Public Utili-)
ties Code of the State of Cali-)
fornia.)

Application No. 53706
(Filed November 22, 1972)

OPINION AND ORDER

By Decision No. 79718 of February 15, 1972, in Application No. 52837, Kings County Truck Lines (Kings) was authorized, as a highway permit carrier, to transport milk beverages, milk concentrates, certain prepared food products, milk carriers and pallets between Oakland, Gustine and Los Angeles at a round trip charge of \$400 per unit of equipment which is less and different than the rates and charges which would accrue under the otherwise applicable minimum rates set forth in Minimum Rate Tariff 2. The authority is scheduled to expire with December 31, 1972.

By this application, Kings seeks authority to continue to assess a charge, which is less and different than the minimum rates and charges for the involved transportation, for a one-year period. It also seeks to modify the authority by increasing the charge from \$400 to \$436.

Applicant states that there is now and, in the future there will continue to be, a substantial movement of the kind of traffic embraced in this application and that the charge now being assessed for this transportation has been profitable. Kings alleges that the proposed charge will be reasonable for the service rendered and will return to it full cost plus a reasonable profit. Applicant avers that, unless the requested relief is granted, the shipper will divert the traffic herein involved to its proprietary operation and no for-hire carrier will enjoy the revenue derived therefrom in the future.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be compensatory during the ensuing year.

The certificate of service shows that a copy of the verified application was mailed to various interested parties on November 20, 1972. The application was listed on the Commission's Daily Calendar of November 27, 1972. No objection to the granting of the sought relief has been received.

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. Inasmuch as the conditions which surround this transportation may change, the authority will be extended for a period of one year to expire with December 31, 1973.

IT IS ORDERED that:

1. Kings County Truck Lines is authorized to assess a charge for the transportation of certain property for Safeway Stores, Inc., which is less and different than the minimum rates and charges set forth in Minimum Rate Tariff 2 for such transportation, subject to the conditions specified in Appendix A, attached hereto and by this reference made a part hereof.

2. The authority herein granted shall expire December 31, 1973 unless sooner canceled, changed or extended by order of the Commission.

The effective date of this order shall be December 31, 1972.

Dated at San Francisco, California, this 19th day of December, 1972.

Yerman L. Sturgeon
President
Griffon Hughes Jr.
John J. [illegible]
[illegible]
Commissioners

APPENDIX A

Carrier: Kings County Truck Lines.

Shipper: Safeway Stores, Inc.

Charge: \$436 per trip per unit of equipment.

Trip: From Safeway Stores, Inc. milk plant, 5725 East 14th Street, Oakland, to Avoset plant, Gustine, California, thence to Safeway Stores, Inc. milk plant, 3361 Boxford Avenue, Los Angeles, thence to Safeway Stores, Inc. milk plant, 5725 East 14th Street, Oakland.

Unit of Equipment: 3-axle diesel tractor and 45-foot refrigerated van trailer.

Commodities:

1. From Oakland to Gustine.

Pallets and milk carriers.

2. From Oakland to Los Angeles.

Half and half and milk concentrate.

3. From Gustine to Los Angeles.

Milk beverage, chocolate flavored, liquid; milk or cream, sterilized or pasteurized or milk or cream substitutes, processed from vegetable, soybean or grain products, with or without other ingredients, in hermetically sealed inner containers or in gas-charged dispensing cylinders or cans.

4. From Los Angeles to Oakland.

Milk food, other than malted milk, other than liquid (yogart); foods, prepared, NOI (potato salad, macaroni salad, health salad, coleslaw, gelatin salads, dips, sour cream, cheese spreads, peanut butter, puddings).

Conditions:

1. Loading and unloading at Oakland and Los Angeles to be performed by Safeway Stores, Inc. personnel.
2. Kings County Truck Lines driver may assist in loading and unloading at Gustine.
3. Loading and unloading at Gustine to be completed within 2 hours. Time in excess of 2 hours shall be assessed at the rates set forth in Item 145 of Minimum Rate Tariff 2.

(END OF APPENDIX A)