

Decision No. 80884

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC STATES EXPRESS, INC., A
Corporation, for authority to deviate
from the rates, rules, and regulations
of Minimum Rate Tariff 2 in the
transportation of sugar for the account
of California & Hawaiian Sugar Company
under the provisions of Section 3666 of
the Public Utilities Code.

Application No. 53669
(Filed October 30, 1972)

INTERIM OPINION AND ORDER

Applicant holds a radial highway common carrier permit. By this application it seeks authority to assess rates 5 cents per 100 pounds less than the minimum rates for the transportation of sugar in packages on shipments weighing 10,000 pounds or more, for California and Hawaiian Sugar Refining Corporation (C&H) from the shipper's refinery at Crockett to points within 350 constructive miles of Crockett and to return the empty pallets to Crockett without charge.

Applicant states that the authority herein sought is currently held by Thompson Bros. Freight Forwarding Co., Inc. (Thompson) but that Thompson wishes to cease handling sugar for C&H under their present contract operation. Applicant proposes to commence operations concurrently with Thompson's termination of service for C&H.

In support of its request applicant states that the class rates on sugar established by the Commission are predicated upon costs of loading as set forth in Item 142 of Minimum Rate Tariff 2 wherein it is provided that 8 minutes per ton is allowed for loading of shipments subject to minimum weights of 10,000 pounds or more. The sugar will be mechanically loaded with fork-lift equipment owned and operated by C&H without expense to applicant.

Those shipments loaded on pallets will also make unloading easier. There is no terminal handling involved and shipments are delivered by the same van in which originally loaded. The normal movement is approximately 10 truckloads per day. Applicant maintains a truck yard and pool of equipment at Richmond, California due to the heavy inbound movement of shipments handled to Safeway Stores, Inc. at Richmond. The transportation proposed to be performed under the authority sought in this application will provide applicant with much needed back haul to better balance its operation and thus eliminate empty mileage. Applicant alleges that the rates and charges provided by the authority sought herein will be compensatory for the proposed transportation.

The certificate of service shows that a copy of the application was mailed to California Trucking Association on October 27, 1972. The application was listed on the Commission's Daily Calendar. No objection to the granting of the application has been received.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, it appears, and the Commission finds that the rates sought herein are reasonable for the transportation to be performed by Pacific States Express, Inc. In view of the existing conditions, the Commission concludes that Pacific States Express, Inc. should be granted interim authority to the extent hereinafter indicated for a period of six months. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Pacific States Express, Inc., a corporation, is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2, by charging rates five cents per 100 pounds less than the applicable class rates for the transportation of sugar, in packages, minimum weight 10,000 pounds per shipment, from California and Hawaiian Sugar Refining Corporation at Crockett to points not over 350 constructive

miles from Crockett when shipper loads without expense to carrier, subject to conditions and limitations set forth 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 this proceeding for the receipt of evidence on this application.

The effective date of this order is the date hereof.

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

Vernon L. Schirgen
President
William Sproule

[Signature]
[Signature]
Commissioners

Commissioner J. P. VUKASIN, JR.

Present but not participating.

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Carrier: Pacific States Express, Inc.

Shipper: California and Hawaiian Sugar Refining Corp.

Commodity: Sugar, in packages
Minimum Weight 10,000 pounds per shipment.

Conditions: Subject to Notes 1, 2, and 3.

Note 1: Rates named are subject to the Central Coastal Territory surcharges named in Supplement No. 75 to Minimum Rate Tariff 2, where applicable, also all other applicable provisions shown in Minimum Rate Tariff 2 will apply except that Items Nos. 200 to 240 will not apply.

Note 2: When palletized shipments of sugar are transported under rates named herein, the empty pallets, platforms, or skids may be transported to the point of origin of the palletized shipment without charge subject to the following terms and conditions:

- (1) Shipment must be loaded into carrier's equipment by the consignor and/or unloaded by the consignee with power equipment, furnished and used without expense to the carrier and when no services are performed at carrier's expense or by carrier personnel.
- (2) Shipper must indicate the number of pallets and weight thereof on bill of lading covering the loaded movement, and must show reference to the shipping document and date of shipment of the inbound movement on the outbound shipping document.
- (3) Shipper must indicate on shipping documents that palletized shipments were loaded directly onto trailers by power-loading equipment operated by personnel furnished by shipper; and/or receivers must show on carrier's delivery receipt that shipments were removed by power-loading equipment operated by personnel furnished by receiver.

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- (4) Carrier will assess applicable tariff charges on empty pallets under the following conditions:
 - (a) If consignee immediately upon receipt of shipment fails to provide carrier with up to a like number of pallets, either for a return movement, or loaded for a beyond move by carrier, or
 - (b) for any empty pallets tendered in excess of the number of loaded pallets transported by carrier on said shipment.
- (5) The constructive mileage from point of origin to point of destination of the shipment shall not exceed 350 constructive miles.
- (6) For the purpose of this authority, empty pallets, platforms, or skids shall be as described in Item No. 150370 (Sub 1), 150380, 150390 (Sub 2), or 150430 (Sub 2), of National Motor Freight Classification A-12; six inches or less in height or nested solid (as defined in Rule 110 of said classification), and of wood, metal, or wood and metal construction.

Note 3: The rates herein authorized shall not be applicable to any transportation Pacific States Express, Inc. is authorized to perform as a certificated highway common carrier.