

Decision No. 81307

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates, charges, and practices of CENTRAL COAST TRUCK SERVICE, INC., a California corporation; AMERICAN HOME FOODS, INC., a Delaware corporation; CALIFORNIA & HAWAIIAN SUGAR COMPANY, a California corporation; CAMPBELL SOUP COMPANY, a New Jersey corporation; GREEN GIANT COMPANY, a Minnesota corporation; JOHN INGLIS FROZEN FOODS COMPANY, a California corporation; PET, INC., a Delaware corporation; and SAFEWAY STORES, INC., a Maryland corporation.

Case No. 9486
(Filed December 12, 1972)

Roland Schmidt, Attorney at Law, for
Central Coast Truck Service, Inc.,
respondent.

Philip G. Blackmore, Jr., for California
& Hawaiian Sugar Company, and
Asa Button, for Spreckels Sugar Division,
Amstar Corp., interested parties.

James J. Cherry, Attorney at Law, and E. E.
Cahoon, for the Commission staff.

O P I N I O N

By its order dated December 12, 1972, the Commission instituted an investigation into the operations, rates, charges, and practices of Central Coast Truck Service, Inc. (Central Coast); American Home Foods, Inc.; California & Hawaiian Sugar Company; Campbell Soup Company; Green Giant Company; John Inglis Frozen Foods Company; Pet, Inc.; and Safeway Stores, Inc., to determine whether Central Coast charged the respondent shippers less than minimum rates for certain transportation.

Public hearing was held before Examiner O'Leary on February 27, 1973 at San Francisco.

It was stipulated (Exhibits 1 to 8, inclusive) and the Commission finds that (1) Central Coast is engaged in the business of transporting property over the public highways of this state for compensation pursuant to a certificate of public convenience and necessity granted by Decisions Nos. 69927 and 72274, and radial highway common and highway contract carrier permits; (2) Central Coast subscribes to Minimum Rate Tariffs 2, 8, and 15, Exceptions Rating Tariff 1, and Distance Table 7, and is a party to Pacific Southcoast Freight Bureau Tariff No. 300-A; (3) Central Coast charged less than the prescribed minimum rates for the shippers and in the amounts as follows:

American Home Foods, Inc.	\$ 160.28
Campbell Soup Company	525.31
Green Giant Company	2,325.44
John Inglis Frozen Foods Company	167.42
Pet, Inc.	504.96
Safeway Stores, Inc.	205.65

(4) subsequent to the issuance of the Order Instituting Investigation, Central Coast collected the amounts set forth in (3) above;

(5) Central Coast employs 8 office personnel, 45 drivers, 8 maintenance personnel, and 262 terminal personnel (lumpers);

(6) Central Coast operates 54 tractors, 2 trucks, 72 semi van trailers, and 2 converter gears; (7) Central Coast maintains terminals at Sanger, Sacramento, Manteca, Watsonville, Los Banos, Los Angeles, and seasonally at Bakersfield; (8) Central Coast's gross operating revenue for 1972 was \$4,758,732; and (9) there were no undercharges involving California & Hawaiian Sugar Company.

With regard to the undercharges, it was also stipulated that in performing transportation subject to Minimum Rate Tariffs 2 and 8, Central Coast failed to (a) assess off-rail charges for points of destination not served by rail spur, (b) assess accessorial charges for unloading, (c) assess correct basic rail rates, (d) compute correct constructive mileage, (e) observe the limitation in

the number of stops authorized by rail transit tariff for partial loading or unloading, (f) observe specified tariff rail routings, and (g) assess correct split pickup charges.

It was further stipulated that a fine of \$500 and a fine in the amount of undercharges pursuant to the provisions of Sections 3774 and 3800 of the Public Utilities Code, respectively, would be appropriate and should be imposed.

The staff recommended that Central Coast pay a fine pursuant to Section 3774 of the Public Utilities Code in the amount of \$500.

The Commission concludes that Central Coast Truck Service, Inc. violated Sections 3664, 3667, and 3737 of the Public Utilities Code, and should pay a fine pursuant to Section 3800 of the Public Utilities Code in the amount of \$3,889.06 and in addition thereto should pay a fine pursuant to Section 3774 of the Public Utilities Code in the amount of \$500.

O R D E R

IT IS ORDERED that Central Coast Truck Service, Inc. shall pay a fine of \$4,389.06 to this Commission on or before the fortieth day after the effective date of this order.

The Secretary of the Commission is directed to cause personal service of this order to be made upon Central Coast Truck Service, Inc. The Secretary is further directed to cause service by

mail of this order to be made upon all other respondents. The effective date of this order shall be twenty days after the completion of personal service upon Central Coast Truck Service, Inc.

Dated at San Francisco, California, this 24th day of APRIL, 1973.

Vernon L. Sturgeon
President
William J. ...
...
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.