

ORIGINAL

Decision No. 81330

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Frank F. Cancilla Jr., an individual)
 doing business as Frank F. Cancilla,)
 Jr., Trucking, for an order author-)
 izing departure from the minimum)
 rates and rules pursuant to the)
 provisions of Section 3666 of the)
 Public Utilities Code for the)
 transportation of dairy products and)
 related articles for the account of)
 Challenge Foods under vehicle unit)
 rates as established under Minimum)
 Rate Tariff 15.)

Application No. 53710
 (Filed November 27, 1972)

OPINION AND ORDER

Frank F. Cancilla Jr., an individual doing business as Frank F. Cancilla Jr., Trucking, operates as a highway contract carrier. By this application he seeks authority to depart from the minimum rates in Minimum Rate Tariff 15 (MRT 15) for the transportation of dairy products and related articles for Challenge Foods Company under yearly vehicle unit rates by (1) providing for the assessment of the base rates in Item 210 for any five days in any calendar week including Saturdays, Sundays, and holidays and (2) assessing a rate of \$8.00 per hour on operations exceeding 8-hour service out of nine consecutive hours per day with no time limitation during the day on which service is rendered.

Attached to the application as Exhibit B is a special contract with the teamsters union designed to meet the unusual requirements of dairy shippers. The contract does not provide for premium pay for work performed (1) on Saturdays, Sundays, and holidays; (2) in excess of eight hours out of nine consecutive hours; and (3) at any particular time of the day. For these reasons applicant states that no additional costs will be incurred by providing the service under the sought deviation.

Applicant also alleges that the authority requested is necessary to avoid loss of traffic to proprietary operations.

Exhibit A attached to the application shows a breakdown of the total direct driver's labor cost of \$7.265 per hour.

The verified application shows that a copy was mailed to the California Trucking Association. The application was listed on the Commission's Daily Calendar. No objection to the granting of the application has been received. The staff recommends that the application be granted by ex parte order.

After consideration the Commission finds that the proposed rates are reasonable and concludes that the application should be granted. Applicant requests that the authority be granted for a period of not less than twelve months; and since transportation conditions may change, the Commission feels the authority should be made subject to an expiration date of approximately one year.

IT IS ORDERED that:

1. Frank F. Cancilla Jr., an individual, doing business as Frank F. Cancilla Jr., Trucking, is authorized to transport dairy products and related articles for Challenge Foods Company under yearly vehicle unit rates as specified in Appendix A attached hereto and by this reference made a part hereof.

2. The authority granted herein shall expire one year from the effective date of this order unless sooner cancelled, modified, or extended by order of the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 1st day of MAY, 1973.

Vernon L. Stenger
President
William J. ...
...
...
Commissioners

APPENDIX A

Carrier: Frank F. Cancilla Jr., doing business as Frank F. Cancilla Jr., Trucking.

Shipper: Challenge Foods Company

Commodity: Dairy products and related articles.

Rates: Base rates in Item 210 of Minimum Rate Tariff 15 for any 5 days in any calendar week including Saturdays, Sundays, and holidays and \$8.00 per hour on operations exceeding 8-hour service out of nine consecutive hours per day with no time limitation during the day on which service is rendered.

Restrictions: Application of rates is limited to any five days only in any calendar week.