

ORIGINAL

Decision No. 81393

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
H & L TRANSPORT, INC., a corporation,  
for an order authorizing departure  
from the rates, rules, and regulations  
of Minimum Rate Tariff 14-A pursuant  
to the provisions of Section 3666 of  
the Public Utilities Code, for the  
transportation of alfalfa hay cubes  
from points in Kern, Tulare, and  
Fresno Counties, to Gonzales and  
Quien Sabe and for the transportation  
of beet pulp from Mendota to Tulare  
County.

Application No. 54007  
(Filed May 3, 1973)

INTERIM OPINION AND ORDER

H & L Transport, Inc., a corporation, holds a highway contract carrier permit. It also has other permitted operating authority which is not involved herein. By this application, it seeks authority to charge less than the minimum rates set forth in Minimum Rate Tariff 14-A for the transportation of alfalfa hay cubes for Wilbur-Ellis Co. from locations in Kern, Tulare, and Fresno Counties to feedlots adjacent to Gonzales or Quien Sabe feedlot and for the transportation of beet pulp for Gill Bros. Feed Yard from Spreckels' plant in Mendota to the shipper's facility in Tulare. The proposed rates vary depending on origin, destination, and commodity. They are all subject to a minimum weight of 52,000 pounds per shipment.

According to the application, applicant proposes to enter transportation agreements with both shippers; it is contemplated that the agreements will run concurrently for a period of six months; the agreement with Wilbur-Ellis Co. will provide for the shipment of a minimum of 500 tons of alfalfa hay cubes per month; and it is anticipated that Gill Bros. Feed Yard will ship approximately five thousand tons of beet pulp during the six months.

The application states as follows: The consumption of both alfalfa hay cubes and beet pulp in feedlots is approximately the same; a round-trip cycle for both commodities will be maintained on a load-for-load basis; applicant's equipment will proceed from its terminal in Visalia to the point of pickup of the alfalfa hay cubes, thence to the Gonzales or Quien Sabe feedlot for delivery, thence to Mendota to pick up the beet pulp, and thence to Tulare for delivery; applicant has transported shipments of the commodities in issue for the two shippers in the past; based on this experience and the cost study in Appendix A to the application developed therefrom, the average operating ratio for all trips at the proposed rates would be 82.7 percent and 76.8 percent when the destination of the alfalfa hay cubes is Gonzales and Quien Sabe, respectively; Wilbur-Ellis Co. has informed applicant that if the sought rates are not authorized, it cannot remain competitive with other suppliers unless it operates its own proprietary equipment; Gill Bros. Feed Yard is contemplating an increase in its storage facilities which will expedite its operation and the delivery time for applicant's equipment; the proposed rates are compensatory and will be profitable.

The application asserts that the seasonal hay cutting operations have already commenced and that it is urgent that the sought rates be approved as soon as possible. It requests that an immediate interim order be issued authorizing the sought rates and that it be effective until such time as the Commission determines the matter following formal hearing if such is deemed necessary. ✓

The application was listed on the Commission's Daily Calendar. A copy has been served on the California Trucking Association which has informed the Commission that it requests that the matter be set for formal hearing.

Subject to further review upon consideration of the evidence which may be adduced at a public hearing, the Commission

finds that the proposed rates are reasonable. The Commission concludes that applicant should be granted interim authority for a period of six months to the extent hereinafter indicated. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. H & L Transport, Inc., a corporation, is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 14-A for the transportation of alfalfa hay cubes for Wilbur-Ellis Co. and beet pulp for Gill Bros. Feed Yard as more specifically set forth in Appendix A attached hereto and by this reference made a part hereof.

2. The authority hereinabove granted 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 15th  
day of MAY, 1973.

[Signature] President  
[Signature]  
[Signature] Commissioners

I dissent  
Vernon L. Sturgeon Commissioner

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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APPENDIX A  
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APPLICATION OF RATES

CARRIER: H & L TRANSPORT, INC.

I

Shipper for whose account service is to be provided:

WILBUR-ELLIS CO.

A. Commodity: Alfalfa hay cubes.

B. Description of Origin Zones:

Zone A - Shafter and Pond Area (Kern County).

Zone B - Bear Mountain Road adjacent to Greenfield  
(Kern County).

Zone C - Tipton and Visalia Area (Tulare County).

Zone D - Raisin City (Fresno County).

C. Description of Destinations:

Gonzales - Feedlots adjacent to Gonzales which is  
identified as point 327 on Distance Table 7.

Quien Sabe - Feedlot which is designated as point 2072  
on Distance Table 7 plus 12 miles to the  
east thereof.

D. Minimum Weight: 52,000 pounds per shipment.

E. Rates in Cents per 100 Pounds:

<u>From</u>	<u>To</u>	
	<u>Gonzales</u>	<u>Quien Sabe</u>
Zone A	26	29-1/2
Zone B	30	32-1/2
Zone C	25	29
Zone D	24-1/2	23

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APPENDIX A  
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II

Shipper for whose account service is to be provided:

GILL BROS. FEED YARD

- A. Commodity: Beet pulp
- B. Minimum Weight: 52,000 pounds per shipment.
- C. Origin and Destination: From Spreckels' plant located at Mendota to the facility of Gill Bros. Feed Yard located in Tulare.
- D. Rates in Cents per 100 Pounds: 15-3/4