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Decision No. 81434

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
FRED C. HILL and DAVID L. STEPHENS,  
a copartnership doing business as  
CHICO TRANSPORTATION, for authority  
to depart from minimum rates in  
connection with certain transpor-  
tation to be performed for Moore's  
Welding Supply Company.

Application No. 53899  
(Filed March 16, 1973)

O P I N I O N

Fred C. Hill and David L. Stephens, a copartnership doing business as Chico Transportation, hold a radial highway common carrier permit. By this application, they seek authority to charge rates which differ from the minimum rates for the transportation of welding equipment and welding supplies for Moore's Welding Supply Company (Moore) between the shipper's location in Chico and its location in Sacramento. Applicants will furnish a tractor and driver only. The shipper will furnish and maintain the trailer equipment. The proposed rates are \$18 per hour for running time and \$10 per hour for the time the tractor is standing by for loading or unloading of the trailer. Applicants' driver will pick up a loaded trailer in Chico, haul it to Sacramento, assist Moore's employees in loading and unloading, and return the trailer to Chico as soon as the loading is completed. All unloading and loading at Chico will be done by Moore's employees. Running time will be computed from the time applicants' tractor leaves their terminal until it arrives at the destination in Sacramento and from the time it leaves there until it returns to their terminal. The time required to pick up and deliver the trailer at Chico would be included in the running time. Immediately upon the delivery of the trailer at Chico, the tractor would return to the terminal. Standby time would be computed from the arrival of the equipment at Moore's Sacramento location until its departure therefrom.

The application states as follows: The transportation in issue is presently being performed by Shifflet Bros., Inc. (Shifflet) under deviation authority which has been in existence for a number of years; applicants have previously worked for Shifflet for many years; they terminated their employment with Shifflet in November 1972 at which time they commenced operating as a radial highway common carrier; since then, they have performed the transportation herein as a subhauler for Shifflet; Shifflet wishes to discontinue this operation, and Moore desires to utilize applicants' service; there would be no change in the terms and conditions under which the transportation would be performed except for an increase in the rates; the proposed rates for both running and standby time are each \$2 more than those now authorized to Shifflet; the increases in the rates reflect increases in operating costs that have occurred over the past year. The proposed rates are just and reasonable.

According to the cost study attached to the application, the proposed rates for running time and standby time would result in operating ratios of 78.65 and 60.40 percent, respectively, for these services.

A copy of the application has been served on California Trucking Association. The application was listed on the Commission's Daily Calendar. No objection to the granting of the application has been received.

#### Findings

1. Applicants are presently performing the transportation in issue for Shifflet as a subhauler.
2. The type of service which applicants will perform under the proposal herein is different from that contemplated by the minimum rate orders.
3. Operations under the proposed rates and governing rules may reasonably be expected to be profitable during the forthcoming year.
4. The proposed rates and governing rules are reasonable.
5. A public hearing is not necessary.

Conclusions

1. The application should be granted.
2. Because the conditions under which the transportation is to be performed may change, the authority to be granted should be limited to a period of one year unless sooner canceled, modified, or extended by order of the Commission.
3. Because of Shifflet's desire to terminate its part in the transportation as soon as possible, the order should be made effective on the date hereof.

O R D E R

IT IS ORDERED that:

1. Fred C. Hill and David L. Stephens, a copartnership doing business as Chico Transportation, are authorized to transport welding equipment and welding supplies for Moore's Welding Supply Company between Chico and Sacramento at rates different from the established minimum rates but not less than those set forth and subject to the conditions specified in Appendix A attached hereto and by this reference made a part hereof.
2. The authority granted herein shall expire one year after the effective date hereof unless sooner canceled, modified, or extended by order of the Commission.

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3. Special Deviation Docket Order No. SDD-102 authorizing Shifflet Bros., Inc. to deviate from subject minimum rates is hereby cancelled.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30<sup>th</sup> day of MAY, 1973.

William L. Stinson  
President  
William L. Stinson  
William L. Stinson  
William L. Stinson  
Commissioners

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Fred C. Hill and David L. Stephens, a copartnership doing business as Chico Transportation, are authorized to transport welding equipment and/or welding supplies for Moore's Welding Supply Company between Chico, California and Sacramento, California at rates which deviate from the established minimum rates but not less than the following:

1. \$18 per hour running time Chico to Sacramento and return.  
\$10 per hour for time tractor is standing by for loading or unloading of the trailer.

2. The rates authorized by paragraph 1 of this order are to be applied only when the following conditions are observed in connection therewith:

- (a) Applicant shall furnish tractor and driver only.
- (b) Trailer shall be furnished and maintained by Moore's Welding and Supply Company.
- (c) Trailer shall be unloaded and loaded by Moore's Welding and Supply Company at Chico.
- (d) Applicant's driver shall assist in unloading and loading of trailer at Sacramento, California only.
- (e) Running time shall be computed from departure of carrier's equipment at carrier's terminal at Chico, California until arrival at point of destination, and from point of destination until return to carrier's terminal at Chico, California.
- (f) Standby time is that which elapses while carrier's tractor remains idle by reason of loading or unloading of shipper's trailer.
- (g) Time taken by carrier's driver for meals shall not be included in the time on which the rates hereinabove authorized are assessed.

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- (h) Fractions of hour shall be computed in accordance with the following table:

<u>Over</u>	<u>But Not Over</u>	<u>Use</u>
0 minutes	8 minutes	-
8 minutes	23 minutes	1/4 hour
23 minutes	38 minutes	1/2 hour
38 minutes	53 minutes	3/4 hour
53 minutes	60 minutes	1 hour

- (i) Articles to be transported need not be itemized on the shipping document.
- (j) Each shipping document shall identify the property to be transported, as "welding equipment and/or welding supplies".