

ORIGINAL

Decision No. 81458

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
E. A. BAKICH, an individual, doing
business as E. A. BAKICH TRUCKING
for authority to deviate from
minimum rates to the extent shown
in Exhibit I hereto for the trans-
portation of frozen fruit in drums
not requiring protective service in
transit and returning empty used
drums.

Application No. 53677
(Filed November 6, 1972)

Frank Loughran, Attorney at Law, for applicant.
R. C. Broberg, R. W. Smith, Attorney at Law,
and H. Hughes, for California Trucking Association,
interested party.
B. I. Shoda, for the Commission staff.

O P I N I O N

Applicant holds radial highway common carrier and high-
way contract carrier permits. By this application he seeks
authority to assess less than minimum rates for the transportation
of frozen fruit in drums, on pallets, and used empty drums for
California Farm Products, a division of J. M. Smucker Co., between
Watsonville, California, and vicinity, and Salinas, California.

The rates proposed are 21 cents per 100 pounds, minimum
weight 40,000 pounds on frozen fruit and 30 cents per 100 pounds,
minimum weight 10,000 pounds on used empty drums.

By Decision No. 80892 dated December 29, 1972 applicant
was granted the sought authority on an interim basis for six months.

Public hearing was held before Examiner O'Leary at San Francisco on April 19, 1973 at which time the matter was submitted.

The applicant and a certified public accountant presented evidence in support of the application. The California Trucking Association and the Commission staff assisted in the development of the record by cross-examination of applicant's witnesses.

The evidence presented by applicant discloses that actual operations pursuant to the interim authority granted by Decision No. 80892 resulted in operating ratios of 68.6 percent for 15 trips when applicant did not return empty drums in conjunction with the frozen fruit movement and 70.7 percent for 13 trips when applicant returned empty drums in conjunction with the frozen fruit movement.

The evidence also disclosed that there are no split deliveries in connection with the frozen fruit shipments and the empty used drums originate only at the plant site of J. M. Smucker Co. in Salinas.

No protests to the granting of the application have been received.

The Commission finds that the proposed rates will be compensatory and are reasonable and justified.

The Commission concludes that the interim authority granted by Decision No. 80892 should be continued for a period of one year, as amended by the ensuing order.

O R D E R

IT IS ORDERED that:

1. E. A. Bakich is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2, by charging rates less than the applicable class rates for the transportation of frozen fruits and empty drums as set forth in Appendix A attached hereto and made a part hereof.

2. The authority granted herein is in lieu of the interim authority granted by Decision No. 80892 and shall expire June 29, 1974.

The effective date of this order shall be June 29, 1973.

Dated at San Francisco, California, this 12th
day of JUNE, 1973.

Vernon L. Spencer
President
William Synovis Jr.
[Signature]
[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A
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Carrier: E. A. Bakich, dba E. A. Bakich Trucking

Shipper: California Farm Products, a division of J. M. Smucker Co.

Commodities: (1) Frozen fruit in drums, on pallets.
(2) Empty used drums.

A. Rate for Transportation of Frozen Fruits in Drums on Pallets
(Subject to Notes 1, 2, 3, and 5)

1. Origin and Destinations

From

California Farm Products plant located at 423 Salinas Road, approximately 1 mile west of Watsonville, California

To

- (a) Plant of J. M. Smucker Co. located at 1275 Hansen Street, Salinas, California.
- (b) Warehouse of Growers Ice Co. located at Abbott and Merrill Streets, Salinas, California.

2. Rate

Twenty-one cents (21¢) per 100 pounds, minimum weight 40,000 pounds.

B. Rate for Transportation of Empty Used Drums on Pallets
(Subject to Notes 1, 3, and 4)

1. Origin and Destination

From

Plant site of J. M. Smucker Co. located at 1275 Hansen Street, Salinas, California.

To

California Farm Products, a division of J. M. Smucker Co., plant located at Railroad Avenue and Salinas Road, Watsonville, California.

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2. Rate

Thirty cents (30¢) per 100 pounds, minimum weight 10,000 pounds.

C. Notes Limiting Application of Rates

1. Shipments must be power-loaded at origin and power-unloaded at destination by the shipper.
2. Bill of lading must state "protective service is not required."
3. Minimum rate applies to each unit of the carrier's equipment used in the transportation of a single shipment. A unit of equipment includes a tractor and one set of doubles - flat beds.
4. Rates apply only when carrier has transported outbound for shipper a cargo subject to Section A rates.
5. No split delivery service to be accorded.