

Decision No. 81643**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of STEPHEN LIVERA and THOMAS ORNELLAS, individuals, doing business as a partnership under the fictitious name of COAST LINES, for authority to deviate from the minimum rates, rules and regulations of Minimum Rate Tariff No. 2, pursuant to the provisions of Section 3666 of the Public Utilities Code, for transportation performed for THE CLOROX COMPANY.

Application No. 54151
(Filed July 3, 1973)

INTERIM OPINION

Applicants Stephen Livera and Thomas Ornellas, a partnership doing business as Coast Lines, are holders of a highway contract carrier permit recently transferred to them by Coast Drayage. Applicants assert that they will take over the operations previously conducted by Coast Drayage in the transportation of sodium hypochlorite solution and sodium hydroxide solution, cleaning compounds, animal litter (chopped alfalfa pellets), in bags, and laundry bleach (dry), when transported in mixed shipments with sodium hypochlorite solution, from the plants of The Clorox Company, Oakland and San Leandro, California, to destinations in central and northern California, and empty pallets returning to said plants from destinations of the outbound movements. Applicants request that they be authorized to charge the same less than applicable minimum rates for such transportation that Coast Drayage is currently authorized to charge. Appendix A hereto sets out the rates Coast Drayage is currently authorized to charge which applicant is seeking authority herein to charge. These rates had their inception in Decision No. 75703 dated May 27, 1969 on Coast Drayage Application No. 50982 and were subsequently modified and extended to their present state by Order No. SDD-150 dated November 21, 1972 and Order No. SDD-179 dated May 22, 1973.

Applicants assert that the hauling operations to be performed by them under the requested rates will be identical in all respects to the operations performed by Coast Drayage under such rates; that as former employees of Coast Drayage they were responsible for and did supervise such operations of Coast Drayage under such rates; that they have purchased and will use the same vehicles used by Coast Drayage in such operations; and that the former Coast Drayage drivers will drive in applicants' operations.

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

Findings

1. The deviation sought has heretofore been approved by the Commission and is currently in effect for Coast Drayage.
2. Under the requested deviation applicants intend to conduct operations substantially similar to those conducted by Coast Drayage between the same points, for the same shipper, and under the same conditions.
3. Applicants will use the same vehicles and drivers in the subject operation as used by Coast Drayage in the conduct of its operation.
4. Applicants were primarily responsible for and actually did supervise operations which they propose to conduct hereunder.
5. Operations under the proposed rates and governing rules may reasonably be expected to be profitable during the forthcoming six-month period.
6. The proposed rates and governing rules are reasonable.
7. A public hearing is not necessary.

Conclusions

1. Subject to further review and consideration of evidence which may be adduced at a public hearing, the application should be granted for an interim period of six months.

2. A further hearing should be scheduled in the matter.

O R D E R

IT IS ORDERED that:

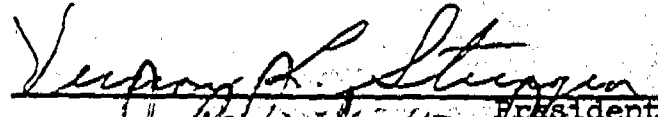
1. Stephen Livera and Thomas Ornellas, a partnership doing business as Coast Lines, are authorized to transport the commodities between the points hereinabove described at rates different from the established minimum rates but not less than those set forth and subject to the conditions specified in Appendix A attached hereto and by this reference made a part hereof.


2. The authority granted herein shall expire six months after the effective date of this order unless sooner cancelled or extended.


3. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this application and full disposition.


The effective date of this order is the date hereof.

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



President





Commissioners

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

APPENDIX A
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Stephen Livera and Thomas Ornellas, doing business as Coast Lines, are authorized to assess the charges hereinafter set forth for the transportation of sodium hypochlorite solution and sodium hydroxide solution, cleaning compounds, animal litter (chopped alfalfa pellets), in bags, and laundry bleach (dry), when transported in mixed shipments with sodium hypochlorite solution, from the plants of The Clorox Company, Oakland and San Leandro, California, to destinations in central and northern California, and empty pallets returning to said plants from the destinations of the outbound movements.

The rates and rules below are deviations from those in Minimum Rate Tariff 2. Other than the described deviations, the rates and rules in that tariff will be applicable to the involved transportation (except that Central Coastal Territory surcharges shall not be assessed).

Commodity: Sodium hypochlorite solution; and sodium hydroxide solution, cleaning compounds, animal litter (chopped alfalfa pellets), and laundry bleach (dry), when transported in mixed shipments with sodium hypochlorite solution.

From: The plants of The Clorox Company at Oakland and San Leandro, California.

To: Points in central and northern California within 250 miles of Oakland, California.

Rates: (Minimum weight for each outbound movement of a unit of equipment shall be 40,000 pounds.)

Mileage		Rates
Over	Not Over	(Cents Per Hundredweight)
10	15	27½
15	20	28½
20	25	29
25	30	29½
30	35	30½
35	40	31½
40	45	32½
45	50	33½
50	60	35
60	70	36
70	80	38½
80	90	40
90	100	42½
100	110	43

APPENDIX A
Page 2 of 2Rates:--Contd.

..	Mileage		Rates
	Over	Not Over	(Cents Per Hundredweight)
	110	120	45
	120	130	47
	130	140	48
	140	150	50
	150	160	52
	160	170	54
	170	180	55
	180	190	56
	190	200	57
	200	220	59
	220	240	62
	240	260	65

Notes:

- (1) Mileage to be computed as provided in governing Distance Table.
- (2) Rates shall be subject to provisions of Item 170 (Split Delivery) of Minimum Rate Tariff 2.
- (3) Rates shall only apply to palletized shipments which are power loaded at origin plants.
- (4) Pallets will be returned free of charge, provided that a like number of pallets are returned at time of delivery. Shipments of pallets not complying with this paragraph will be subject to rates in Minimum Rate Tariff 2.
- (5) Carrier will be free from any claims for shortage. Upon return of damaged merchandise, carrier is to be free from any claim for damage.
- (6) When a helper is used at destination to unload a shipment, carrier will be reimbursed for such expense by shipper at the rate of \$9.20 per man per hour.