

ORIGINALDecision No. 81771

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOE N. FLORES, an individual, dba Flores Farms, to deviate from the rates as set forth in Minimum Rate Tariff No.2 for the transportation of wooden grape stakes for KEM-KER, INC., and KEM-KER TIMBER PRODUCTS, both of Visalia, California, under the provisions of Section 3666 of the Public Utilities Code.

Application No. 54110
(Filed June 19, 1973)

INTERIM OPINION AND ORDER

Joe N. Flores, an individual doing business as Flores Farms, operates as a radial highway common carrier within a radius of 350 miles of Riverdale. He requests authority to deviate from the minimum rates in Minimum Rate Tariff 2 (MRT 2) for the transportation of wooden grape stakes from Alameda and Long Beach to points within a radius of 350 miles of Riverdale for the account of Kem-Ker, Inc. and Kem-Ker Timber Products, both of Visalia. Interim authorization is also requested.

Applicable minimum rates for wooden grape stakes, in the rough, in bundles are found in Item 160400, National Motor Freight Classification A-13 and are at Class 35, minimum weight 36,000 pounds. Applicant proposes to charge the rates based on the constructive mileages set forth in MRT 2, Item 690, Lumber and Forest Products, List A, 50,000 pounds minimum weight.

Applicant asserts that the wooden grape stakes are shipped in bundles on pallets, permitting the use of forklift trucks for loading and unloading. Deliveries are to be made to warehouses or to field sites as required. Applicant claims to have hauled this commodity in loads of approximately 52,000 pounds per shipment without experiencing excessive delay in either loading or unloading.

Kem-Ker, Inc. and Kem-Ker Timber Products aver that they expect to move approximately 25,500 tons of the subject commodity during the year 1973. Most of the shipments will originate at Alameda. The two shippers claim that the present applicable rates are prohibitive and that if applicant's request for deviation is granted the shippers will use applicant's service to transport the grape stakes.

For a typical haul from Alameda to Hanford, a distance of 212 constructive one-way miles, applicant will gross \$270 on a 50,000-pound load (.54 per cwt x 50,000) under the proposed rates. Applicant estimates that his round-trip fully allocated costs for performing such service are \$161.87, leaving him a net of \$108.13. A haul from Alameda to King City, 121 constructive miles, will cost applicant an estimated \$116.45 in round-trip expenses and net it \$108.55 on a gross revenue of \$225.

The certificate of service shows that copies of the application were mailed to the California Trucking Association on June 18, 1973. The application was listed on the Commission's Daily Calendar of June 20, 1973. No objections to the granting of the application have been received.

Subject to further review and consideration of evidence which may be adduced at a public hearing, the Commission concludes that the application should be granted for an interim period of six months. A further hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Joe N. Flores, an individual doing business as Flores Farms, is authorized to depart from the minimum rates and rules set forth in Minimum Rate Tariff 2 for the transportation of wooden grape stakes, in bundles, on pallets from Alameda and Long Beach to points within a 350-mile radius of Riverdale as more specifically set forth

in Appendix A attached hereto and by this reference made a part hereof.

2. The authority herein 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 and full disposition thereof.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 21st day
of AUGUST, 1973.

Verano L. Stevenson
President
William Lyons
Mark
Don
Commissioners

Commissioner D. W. Holmes, being
necessarily absent, did not participate
in the disposition of this proceeding.

APPENDIX A

Carrier: Joe N. Flores, doing business as Flores Farms.

Shippers: Kem-Ker, Inc. and Kem-Ker Timber Products, both of Visalia.

Commodity: Wooden grape stakes, in bundles, on pallets.

Rates:

Section 1

The minimum rates and rules set forth in Item 690, Lumber and Forest Products, List A, 50,000 pounds minimum, Minimum Rate Tariff 2, are applicable subject to the conditions provided in Section 2 herein.

Section 2

Application of Rate:

The rates set out in Section 1 herein will apply only on shipments of the subject commodity moving from the cities of Alameda and Long Beach to points within 350 miles of Riverdale.

Note 1: Each unit of carrier's equipment used to transport commodities moving under the provisions of this section shall be subject to a minimum weight of not less than 50,000 pounds.

Note 2: The provisions of this section apply only on prepaid shipments, the transportation charges for which are paid by Kem-Ker, Inc., or Kem-Ker Timber Products.

Note 3: One hour free time will be allowed for loading and one hour free time will be allowed for unloading of shipments. Whenever the elapsed time between commencement and completion of loading and unloading exceeds one hour, additional charges for delay time in excess of one hour shall be assessed as provided for in Item 145 of Minimum Rate Tariff 2.