

ORIGINAL

Decision No. 81831

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
BULK TRANSPORTATION, a corporation,  
to perform transportation services  
for the account of Liberty Vegetable  
Oil Company at less than minimum  
rates.

Application No. 53772  
(Filed January 2, 1973)

INTERIM OPINION AND ORDER

Bulk Transportation, a corporation, operates as a highway contract carrier and seeks authority to charge Liberty Vegetable Oil Company (Liberty) rates less than the applicable minimum rates for the transportation of nut meats, spoiled or wormy, unfit for human consumption, in bulk, to Liberty's place of business at Santa Fe Springs from Sacramento, Chico, and Bakersfield. Applicant requests that it be permitted to transport the subject commodity at the rates in Minimum Rate Tariff 14-A, Item 550, 40,000 pound minimum. The requested rates would produce the following per hundredweight revenue between the involved points:

From Sacramento (432 miles) .....	71 cents
From Chico (521 miles) .....	79 cents
From Bakersfield (153 miles) .....	36 cents

Present minimum rates applicable to the above moves are found in Minimum Rate Tariff 2. Under the governing classification, NMFC Item 141540, the subject commodity is rated as Class 35, minimum weight 36,000 pounds, and would be properly rated at 112 cents per hundredweight from Sacramento, 122 cents per hundredweight from Chico, and 66 cents per hundredweight from Bakersfield.

Applicant asserts that the subject nut meat has the same transportation characteristics as the commodities for which rates are provided for in Item 550, MRT 14-A, the same type of bulk equipment is used for transporting the products, the shipper performs the loading, and gravity or end-dump unloading is performed at destination.

Applicant states that it will perform the contemplated service with its present fleet of equipment, all of which is either owned or under lease without driver.

Applicant contends that since the requested rates are the same as those prescribed by the Commission for similar commodities transported in the same type of equipment that the proposed rate is prima facie reasonable.

The certificate of service shows that a copy of the application was served on the California Trucking Association which objects to the ex parte consideration of the matter. The application was noticed in the Commission's Daily Calendar of January 3, 1973. No other objection to the granting of the application has been received.

After consideration the Commission finds that, subject to further review and consideration of evidence which may be adduced at a public hearing, the rates proposed to be charged are reasonable; that the application should be granted on an interim basis; and that the authority granted should be limited to a period of six months.

IT IS ORDERED that:

1. Bulk Transportation, a corporation, is authorized to charge less than the applicable minimum rates for the transportation of nut meats, spoiled or wormy, unfit for human consumption, for Liberty Vegetable Oil Company from Sacramento, Chico, and Bakersfield to Santa Fe Springs but no less than the rates found in Item 550, Minimum Rate Tariff 14-A, minimum weight 40,000 pounds per shipment per unit of equipment.

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

3. A public hearing is set in this proceeding before Examiner Pilling for Thursday, November 29, 1973, at 10:00 a.m. in the Commission Courtroom, State Building, 350 McAllister Street, San Francisco, California, at which time and place applicant and all interested parties may appear and be heard.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of SEPTEMBER, 1973.

Vernon L. Sturgeon  
President  
William J. Sturgeon  
J. M. Sturgeon  
Richard Sturgeon  
Robert Sturgeon  
Commissioners