

Decision No. 82173

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PROUTY TRUCKING, INC.,
for authority under Section 3666 of
the Public Utilities Code of the
State of California to deviate from
the minimum rates for the transpor-
tation of Gardening or Landscaping
Products and Litter, viz.: Sawdust,
transported in end dump or side dump
equipment capable of gravity
unloading.

Application No. 54163
(Filed July 9, 1973)

OPINION AND ORDER

Applicant requests authorization to deviate from minimum rates for the transportation of gardening or landscaping products and litter, that is, sawdust as described in National Motor Freight Classification A-13, Items 113200 and 113710^{1/} when transported in bulk, in carrier's equipment capable of gravity end dump or side dump unloading only, for the account of the Marley Company in Stockton. This transportation would be from Marley Company's plant to various points within 160 constructive miles of Stockton.

The present classification for this commodity is in Item 370 of Minimum Rate Tariff 2. The rate for this classification, which is 35.4 minimum weight 40,000 pounds, truckload in bulk, is set forth in Section 2, Class Rates, Item 500 Series of MRT 2.

^{1/} The application originally made reference to Items 113200 and 138710. By letter dated October 15, 1973 applicant advised the Commission that 138710 should have read 113710.

The application proposes as deviation rates, those rates applicable to bulk shipments of sawdust transported in the applicant's equipment capable of gravity end dump or side dump unloading only, between origin and destination points as set forth in Exhibit A attached to the application. The loading is accomplished by gravity flow from overhead storage bins, unloading by gravity side dumping on or at ground level at designated destination points. The minimum transportation charge would be computed at the proposed rates, with a minimum weight of 44,000 pounds per shipment.

In support of this application applicant states that for the past two years it has been transporting truckloads of sawdust for Marley Company to various job sites of gardening and landscape projects. This commodity was formerly charged rates as provided in Minimum Rate Tariff 14-A (MRT 14-A). Those rates by Decision No. 81146 (Case No. 5432, Petition for Modification No. 729) were removed from MRT 14-A by canceling the descriptive commodity list for bedding and related articles, and establishing truckload exception ratings in MRT 2 for the transportation of gardening and landscaping products and litter.

Marley Company informed the applicant that sales contracts and bids have been based upon the rates provided in the grain tariff, MRT 14-A, which were lower than the current effective rates in MRT 2. Shipper has therefore requested applicant to file an application for authority to deviate from MRT 2 rates to meet past and future sales commitments, to the extent as shown in Exhibit A attached to the application. This exhibit proposes rates slightly above the former grain rates but lower than Class 35.4 exception ratings in MRT 2.

Applicant submitted Exhibit B and Exhibit C to the application, showing that under the proposed deviation rates, including all applicable minimum charges, rules, and regulations, a profitable operation will result.

The application was served upon California Trucking Association. There have been no protests. The Transportation Division staff has reviewed the application and believes it should be granted.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and the resulting rates and charges will be just, reasonable, and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Prouty Trucking, Inc. is authorized to deviate from the minimum rates set forth in MRT 2 for the transportation of gardening or landscaping products and litter, viz., sawdust, as described in National Motor Freight Classification A-13, Items 113200 and 113710, when transported in bulk, in carrier's equipment capable of gravity end dump or side dump unloading only, for the account of the Marley Company, 150 North Sinclair Avenue, Stockton, California, from their manufacturing plant at that location to various destination points within 160 constructive miles of Stockton, California.

2. The rates authorized for the aforementioned transportation shall be not less than those set forth in Appendix A attached hereto and made a part hereof by reference.

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3. The authority herein will expire one year after the effective date of this order, unless sooner canceled, changed, or extended by order of the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th
day of NOVEMBER, 1973.

Yarmon L. Stinson
President
William S. Quinn
John J. Quinn
W. W. Quinn
Commissioners

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APPENDIX A

Commodity: Sawdust in bulk, as described in Items 113200 and 113710,
National Motor Freight Classification A-13.

Rates in cents per 100 pounds.

Minimum weight: 44,000 pounds.

Miles		
Over	But Not Over	Rate
0	3	11
3	5	12
5	10	13
10	15	14
15	20	15
20	25	16
25	30	17
30	35	18
35	40	19
40	45	20
45	50	21
50	60	23
60	70	25
70	80	26
80	90	28
90	100	30
100	110	32
110	120	34
120	130	35
130	140	37
140	150	39
150	160	41