

Decision No. 83892

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Central Coast Truck Service, Inc.,
for authority to deviate from provisions
contained in Item 530 of Minimum Rate
Tariff No. 15, in connection with
transportation performed for Spreckels
Sugar Division, Amstar Corporation,
under provisions of Section 3666 of the
Public Utilities Code.

Application No. 55305
(Filed November 12, 1974)

O P I N I O N

Central Coast Truck Service, Inc. is authorized to operate as a radial highway common carrier and a highway contract carrier. Applicant requests ex parte authority to deviate from the minimum vehicle unit rates named in Minimum Rate Tariff 15 (MRT 15) when transporting sugar and other commodities, in packages, for Spreckels Sugar Division, Amstar Corporation, between the Amstar plant located at Spreckels, California, and points within California.

When assessing the MRT 15 rates and charges, applicant requests authority to exclude the Rate Basis A rates for premium pay hours named in Item 530 of the tariff. The rates for premium pay hours are explained in tariff reference (5) as:

- "(5) Rates in cents per hour for service performed before 8:00 a.m. or after 5:15 p.m., providing such service together with other service performed does not exceed 8 hours service out of 9 consecutive hours per day."

The sought relief is predicated upon the following special transportation facts and circumstances set forth in the application:

- "1. Premium Hours Charges provided for under Rate Basis A, Item 530 of Minimum Rate Tariff No. 15 are predicated on additional wages required to be paid by transportation companies to drivers under most existing union contracts for work performed before 8:00 AM, or after 5:15 PM,

providing such service together with other service performed does not exceed 8 hours service out of 9 consecutive hours per day.

- "2. Under applicant's present union contracts, applicant is not subject to payment of additional charges to its employees for work performed before 8:00 AM, or after 5:15 PM, providing drivers do not exceed 8 hours service out of 9 consecutive hours per day. Reference is made to Produce and Special Commodities Agreements currently in effect with Teamster Union Locals Nos. 150, 186, 287, 359, 381, 439, 630 and 912.
- "3. The nature of distribution requirements of Amstar requires that equipment and drivers of applicant be available for loading and distribution starting at or before 5:00 AM on normal working days. There is no additional cost to applicant in starting operations at or before 5:00 AM rather than 8:00 AM or any other designated starting times.
- "4. Any operations conducted in excess of 8 consecutive working hours are of course subject to reference (6) Excessive Hours Charges provided for in Item No. 530 of Minimum Rate Tariff No. 15.
- "5. It is the opinion of applicant that as it is not subject to premium hour charges for payment to its employees for service performed before 8:00 AM, that the additional charges should not be required to be paid by Amstar.
- "6. In addition, the pattern of distribution employed by Amstar which provides for early loading and delivery of its products to its customers at an early hour during the day, provides for better utilization of equipment and personnel and return of equipment to its plant which precludes slower movement and distribution of its products during peak traffic and commuting hours of the day thus providing greater economies to both applicant and Amstar."

Copies of Central Coast Truck Service's latest available balance sheets for the year 1973 and the period ending June 30, 1974 are attached to the application. Also attached are copies of applicant's latest income statements for the same periods which demonstrate the profitable character of applicant's overall operations.

The certificate of service indicates that copies of Application No. 55305 were mailed to the California Trucking Association and the Spreckels Sugar Division of Amstar on November 8, 1974. The application was listed on the Commission's Daily Calendar for November 13, 1974. The Commission's Transportation Division staff has reviewed the application and is of the opinion that, in the absence of protest, the sought ex parte relief may be granted. No one has filed a protest or requested that Application No. 55305 be set for public hearing.

Findings

1. The favorable circumstances and conditions attendant to the transportation performed by applicant for Spreckels Sugar Division, Amstar Corporation, are not generally present in the usual or ordinary transportation performed by highway carriers under the governing provisions of MRT 15.

2. Applicant's proposed application of the minimum vehicle unit rates named in MRT 15 for the transportation of sugar and other commodities has been shown to be reasonable.

Conclusions

1. Application No. 55305 of Central Coast Truck Service, Inc. should be granted.

2. Since conditions under which the service is performed may change, the authority granted in the ensuing order will expire at the end of approximately one year unless sooner canceled, modified, or extended by order of the Commission.

3. A public hearing is not required.

O R D E R

IT IS ORDERED that:

1. Central Coast Truck Service, Inc. is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 15 by charging those rates named in Appendix A of this decision. This authority does not include deviations from any tariff rates or rules except as specifically set forth in Appendix A.

2. The authority granted shall expire with December 31, 1975 unless sooner canceled, modified, or extended by order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th
day of DECEMBER, 1975.

James L. Steeghs
President
William Symons
Thomas Moran
Robert E. McDavid
Commissioners

APPENDIX A

Carrier: Central Coast Truck Service, Inc.

Shipper: Spreckels Sugar Division, Amstar Corporation.

Commodity: Sugar and related commodities, in packages.

Base of Operations: Amstar plant, Spreckels, California.

Destinations: Points within California.

Rates, Rules, and Charges: Minimum Rate Tariff 15 (see Exception).

Exception: Basis A rates as set forth and described (Note 5) in Item 530 of Minimum Rate Tariff 15 do not apply. All other rates, rules, and charges of the tariff are applicable to the transportation performed under this minimum rate authority.