

ORIGINALDecision No. 84298

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of KINGS COUNTY TRUCK LINES)
 for authority to charge less than the)
 minimum rates heretofore established by)
 the Commission, as authorized in Section)
 3666 of the Public Utilities Code of the)
 State of California.

Application No. 55371
 (Filed December 10, 1974;
 amended January 13, 1975
 and February 3, 1975)

INTERIM OPINION AND ORDER

Kings County Truck Lines, a corporation, operates as a highway contract carrier and radial highway common carrier. By this application it requests emergency ex parte authority, pending hearing, to charge less than the otherwise governing minimum rates prescribed in Minimum Rate Tariff 2 for shipments of ice cream from Modesto to Los Angeles for the account of Knudsen Food Products Corporation.

Applicant states that it is presently transporting ice cream for Baskin-Robbins 31 Ice Cream Stores, Burbank, California for distribution to Baskin-Robbins Ice Cream Stores in northern California and returning empty to Burbank four days per week, Monday, Tuesday, Friday, and Saturday. Knudsen Food Products closed its ice cream producing facility December 1, 1974 at Los Angeles and is presently transporting seventeen loads of ice cream per week from its Modesto plant to Los Angeles with its own equipment.

Minimum rates for the transportation, for which the deviation is sought, are as follows:

Ice cream, Modesto to Los Angeles MZ 229 339 miles
 Item 55620 NMFC 100-A, Class 70, 30,000# minimum,
 \$1.70 per cwt.

Applicant proposes to charge a flat rate of \$299.00 per load subject to the following conditions:

Rates apply only on prepaid shipments.

Rates apply only on Monday, Friday, and Saturday, and then only when the load is immediately preceded by two loads from Baskin-Robbins, Burbank, California.

Rates will not apply during any calendar week during which a minimum of one load per day, (Monday, Friday, and Saturday) is not tendered to carrier.

Maximum of two loads per day Monday, Friday, and Saturday.

For the proposed operation, applicant will use the same 24 foot 1-axle refrigerated vans that are used to haul ice cream northbound for the account of Baskin-Robbins. Drivers will be domiciled at Modesto and Tulare; the Modesto drivers pulling vans loaded with Knudsen ice cream from Modesto to Tulare and returning to Modesto with vans loaded with ice cream from Baskin-Robbins, Burbank, California. The Tulare based drivers will continue south with the vans loaded with ice cream from Modesto, unload the ice cream at Knudsen Foods, 1957 Santee Street, Los Angeles, proceed to Baskin-Robbins, 1119 South Victory, Burbank, load ice cream for distribution in northern California and return to Tulare, California and go off duty. Applicant alleges that this operation is taking place at this time, the only exception being that the vans are presently empty from Modesto to Burbank.

Applicant has submitted financial and related cost data to show the compensatory nature of the proposed charges. The following circumstances and conditions are also relied upon by applicant as justification for the sought relief:

1. The ice cream plant in Modesto manufactures ice cream for the complete Knudsen operation, which results in a substantial movement of traffic sufficient to support the sought deviation.

2. The rate proposed is reasonable for the service rendered and will return to applicant its full cost of rendering the service, plus a reasonable profit.
3. Applicant is informed by the shipper that in the event the relief is granted, it will utilize the services of applicant.
4. Applicant further believes that unless relief is authorized a substantial volume of traffic will be lost that neither this applicant nor any other for-hire carrier will in the future enjoy.

The application and amendments were mailed to the California Trucking Association. The application and amendments were listed on the Commission's Daily Calendars for December 11, 1974, January 15, 1975, and February 5, 1975. The requested emergency ex parte relief, pending subsequent hearing, is not opposed.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, the Commission finds that the proposed rates and charges are reasonable. The Commission concludes that applicant's requested emergency relief, pending hearing, should be granted.

IT IS ORDERED that:

1. Kings County Truck Lines, a corporation, is granted temporary authority to transport ice cream for Knudsen Food Products Corporation as set forth in Appendix A of this decision.

2. A public hearing shall be scheduled in this proceeding for the receipt of evidence relative to Application No. 55371 and full disposition thereof.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 8th day of APRIL, 1975.

William L. Quinn President
Leonard Rose
Commissioners

I abstain
Vernon L. Sturgeon

Commissioner ROBERT BATNOVICH

Present but not participating.

APPENDIX A

Shipper: Knudsen Foods Corporation
Commodity: Ice Cream
Origin: Modesto
Destination: Los Angeles
Rate: \$299.00 per load, (includes temperature control service).

Subject to Notes 1 to 5:

- Note 1. Rates apply only on prepaid shipments.
- Note 2. Rates apply only on Monday, Friday, and Saturday and then only when the load is immediately preceded by two loads from Baskin-Robbins, Burbank, California.
- Note 3. Rates will not apply during any calendar week during which a minimum of one load per day (Monday, Friday, and Saturday) is not tendered to carrier.
- Note 4. Maximum of two loads per day Monday, Friday, and Saturday.
- Note 5. All other provisions of Minimum Rate Tariff 2 apply.