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ORIGINAL

Decision No. 84785

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BALDWIN TRUCKING, INC., a California
corporation for authority under
Section 3666 of the Public Utilities
Code of the State of California to
deviate from the minimum rates in
Minimum Rate Tariff 2 for the trans-
portation of empty aluminum cans and
can ends for DEL MONTE CORPORATION.

Application No. 55476
(Filed February 3, 1975)

In the Matter of the Application of
GUTHMILLER TRUCKING, INC., a California
corporation for authority to deviate
and depart from the provisions of
Minimum Rate Tariff Number 2 in
connection with transportation of
aluminum cans for the account of
DEL MONTE CORPORATION, pursuant to the
provisions of Section 3666 of the
Public Utilities Code.

Application No. 55550
(Filed March 7, 1975)

Application of BLACKBURN TRUCK LINES,
INC., a California corporation,
CONTAINER EXPRESS, INC., a California
corporation, and SCHALDACH CONTAINER
CORPORATION, a California corporation,
for authority to deviate from the
provisions of Minimum Rate Tariff No. 2
in connection with transportation of
empty aluminum cans and can ends.

Application No. 55673
(Filed May 5, 1975)

E. H. Griffiths, for Baldwin Trucking, Inc.;
Knapp, Stevens, Grossman & Marsh, by Wyman C.
Knapp and Daniel V. Hyde, Attorneys at Law,
for Blackburn Truck Lines, Inc.; and Eldon M.
Johnson, Attorney at Law, for Guthmiller
Trucking, Inc.; applicants.
William D. Mayer, for Del Monte Corporation; and
Arthur D. Maruna, Robert F. Schafer, and
Herbert W. Hughes, for California Trucking
Association; interested parties.
Harry E. Cush, for the Commission staff.

O P I N I O N

These applications were consolidated for hearing which was held before Examiner O'Leary at San Francisco on July 2 and 3, 1975. The matters were submitted on the latter date.

Applicants operate as radial highway common and highway contract carriers. Pursuant to the provisions of Section 3666 of the Public Utilities Code they seek authority to assess the rates set forth in Item 640 of Minimum Rate Tariff 2 (MRT 2) for the transportation of aluminum cans for Del Monte Corporation from Stockton to Emeryville and Oakland in lieu of the applicable minimum rates set forth in MRT 2.

Item 640, MRT 2, sets forth commodity rates for the transportation of sheet steel or tin cans and aluminum, steel or tin can ends. MRT 2 does not contain any commodity rates for the transportation of aluminum cans and aluminum cans are therefore transported under the class rates set forth in MRT 2.

Evidence presented by applicants discloses that the transportation characteristics of aluminum cans are the same as for the transportation of tin cans. Each applicant with the exception of Container Express Corporation has equipment especially designed to facilitate the loading and unloading of containers such as tin and aluminum cans. Container Express basically operates through the use of subhaulers.

Applicants allege that when practical the shipper utilizes the multiple lot provisions set forth in Item 85 of MRT 2 to consolidate several truckloads of freight into a single shipment for the purpose of meeting the truckload minimum weights applicable to the class rates for the transportation of aluminum cans. Applicants further allege that in many instances the practice of consolidating loads is often incompatible with shipper production and inventory needs.

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The California Trucking Association (CTA) urged that the relief sought be granted by amending Item 640 of MRT 2 to include aluminum cans rather than grant the deviation authorities applied for. The position of CTA has some merit however, it cannot be accomplished herein. The amendment of Item 640, MRT 2, should only be considered in a petition for modification or order setting hearing in Case No. 5432 where all interested persons are given an opportunity to present evidence and express their views.

Findings

1. The transportation characteristics of aluminum cans for Del Monte Corporation from Stockton to Oakland and Emeryville are similar to the transportation of tin cans for which rates are provided in Item 640 of MRT 2.

2. All applicants except Container Express, Inc. have specialized equipment for the transportation of containers.

3. Applicants' proposal is reasonable and justified.

The Commission concludes that the applications should be granted.

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

O R D E R

IT IS ORDERED that:

1. Baldwin Trucking, Inc., Guthmiller Trucking, Inc., Blackburn Truck Lines, Inc., Container Express, Inc., and Schaldach Container Corporation are authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 by charging those rates set forth in Appendix A of this decision. This authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

2. The authority granted shall expire one year after the effective date of this order 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 12th
day of AUGUST, 1975.

~~Sealed~~

President
William J. ...
Vernon L. ...
...
...
Commissioners

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APPENDIX A

Carriers: Baldwin Trucking, Inc.
Guthmiller Trucking, Inc.
Blackburn Truck Lines, Inc.
Container Express, Inc.
Schaldach Container Corporation

Commodity: Aluminum cans.

Origin: Del Monte Corporation, Plant No. 33
2716 E. Miner Avenue
Stockton, California

Destinations: Del Monte Corporation, Plant No. 35
1250 Park Avenue
Emeryville, California
Del Monte Corporation, Plant No. 37
1100 29th Avenue
Oakland, California

Rates: As set forth in Item 640 of Minimum Rate Tariff 2.