

ORIGINAL

Decision No. 84995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
JAMES A. ORTLOFF, an individual doing  
business as EAGER BEAVER TRUCKING, for  
authority to depart from the minimum  
rates, rules and regulations of Minimum  
Rate Tariff No. 2, pursuant to the  
provisions of Section 3666 of the Public  
Utilities Code for transportation for  
THE CLOROX COMPANY.

Application No. 55680  
(Filed May 7, 1975)

Handler, Baker, and Greene, by Daniel W. Baker,  
Attorney at Law, for applicant.  
Arthur D. Maruna and Herbert W. Hughes, for  
California Trucking Association, interested  
party.  
Russell D. Corning, for the Commission staff.

### O P I N I O N

Applicant seeks authority, pursuant to Section 3666 of the Public Utilities Code, to assess less than the minimum rates set forth in Minimum Rate Tariff 2 for merchandise of the Clorox Company (Clorox) from its plants located at Oakland and San Leandro to points in central and northern California within 250 miles of Oakland.

Public hearing was held before Examiner O'Leary at San Francisco on July 11, 1975 at which time the matter was submitted.

Evidence in support of the application was presented by applicant, his accountant, and the general traffic manager of Clorox.

The authority sought by applicant is identical to that which was granted to Coast Lines, Inc. pursuant to Order No. SDD-316, as amended by Orders Nos. SDD-324 and SDD-357.

The general traffic manager of Clorox testified that until 1968 Clorox produced only sodium hypochlorite solution which it marketed under its brand name Clorox. Commencing in 1969 Clorox expanded its product line to include other types of cleaning agents, cooking oil, and food products.

The applicant testified that Clorox is using his services daily from its plants in Oakland and San Leandro to destinations located in northern California. Under applicant's proposal, all shipments will be palletized, and power loaded at origin by Clorox personnel. Applicant will be free from any claims for shortage and in the event of damaged merchandise applicant will be free from damage claims provided the damaged merchandise is returned to Clorox.

Revenue and expense data (Exhibit 6) submitted by applicant disclose that operations at the proposed rates will be compensatory.

The request herein is unusual in that it encompasses any and all commodities which are transported or may in the future be transported from Clorox's Oakland and San Leandro plants. Normally, requests of this nature and authorizations thereof specify the commodities which are to be transported at the rates sought and/or authorized.

The authority granted to Coast Lines, Inc. pursuant to Order No. SDD-316 was a renewal of authority previously granted to it. Said authority applied to specific commodities. However, upon application of Coast Lines, Inc. the Commission on May 20, 1975 pursuant to Order No. SDD-357 amended the authority set forth in Order No. SDD-316 by changing the commodity description to:

"Merchandise of the Clorox Company which is distributed from its Oakland or San Leandro, California, plant."

Order No. SDD-357 was included in Resolution No. SDD-128 wherein the

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Commission found that the application of Coast Lines, Inc. was justified by transportation conditions and/or that the proposed rates are reasonable for the transportation involved. A similar finding is appropriate herein.

Findings

1. The transportation for which applicant here seeks a deviation from the minimum rates is identical to transportation for which Coast Lines, Inc. has previously been granted a deviation by Order No. SDD-316, as amended by Orders Nos. SDD-324 and SDD-357.

2. The proposed rates are reasonable and justified.

The Commission concludes that the application should be granted as set forth in the ensuing order.

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:

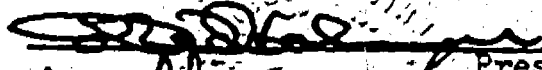


1. James A. Ortloff is authorized to depart from the minimum rates set forth in Minimum Rate Tariff No. 2 by charging those rates set forth in Appendix A of this decision. This authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

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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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup>  
day of OCTOBER, 1975.

  
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President  
  
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\_\_\_\_\_  
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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James A. Ortloff, doing business as Eager Beaver Trucking, is authorized to assess the charges hereinafter set forth for the transportation of merchandise of the Clorox Company which is distributed from its Oakland or San Leandro, California, plant, to destinations in central and northern California, and empty pallets returning to said plants from the destinations of the outbound movements.

The rates and rules below are deviations from those in Minimum Rate Tariff 2. Other than the described deviations, the rates and rules in that tariff will be applicable to the involved transportation.

Commodity: Merchandise of the Clorox Company which is distributed from its Oakland or San Leandro, California, plant.

From: The plants of the Clorox Company at Oakland and San Leandro, California.

To: Points in central and northern California within 250 miles of Oakland, California.

Rates: (Minimum weight for each outbound movement of a unit of equipment shall be 40,000 pounds.)

<u>MILEAGE</u>			<u>RATES*</u>	<u>MILEAGE</u>			<u>RATES*</u>
<u>Over</u>	<u>But</u>	<u>Not Over</u>		<u>Over</u>	<u>But</u>	<u>Not Over</u>	
0	5		29	90	100		45
5	10		29½	100	110		46
10	15		30½	110	120		48½
15	20		31	120	130		49½
20	25		31½	130	140		51½
25	30		32	140	150		54
30	35		33	150	160		56
35	40		34	160	170		57
40	45		36	170	180		58
45	50		37	180	190		60
50	60		38	190	200		62
60	70		41	200	220		64
70	80		42	220	240		66
80	90		43	240	260		68½

\*Cents per 100 pounds.

APPENDIX A  
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- Notes:
- (1) Mileage to be computed as provided in governing Distance Table.
  - (2) Rates shall be subject to provisions of Item 170 (Split Delivery) of Minimum Rate Tariff 2.
  - (3) Rates shall only apply to palletized shipments which are power loaded at origin plants by the shipper.
  - (4) Pallets will be returned free of charge, provided that a like number of pallets are returned at time of delivery. Shipments of pallets not complying with this paragraph will be subject to rates in Minimum Rate Tariff 2.
  - (5) Carrier will be free from any claims for shortage. Upon return of damaged merchandise, carrier is to be free from any claim for damage.
  - (6) When a helper is used at destination to unload a shipment, carrier will be reimbursed for such expense by shipper at the rate of \$9.65 per man per hour.