

ANV

Decision No. 85686

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)  
of MAMMOTH OF CALIFORNIA, INC., )  
for authority to depart from the )  
minimum rates, rules and regula- )  
tions of Minimum Rate Tariff )  
No. 2, pursuant to the provi- )  
sions of Section 3666 of the )  
Public Utilities Code for trans- )  
portation for ARMOUR AND )  
COMPANY. )

Application No. 53291  
(Filed January 14, 1976)

OPINION AND ORDER

By this application, Mammoth of California, Inc., a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with transportation of chilled and frozen fresh meat for Armour and Company (Armour) from Dixon to points in the Metropolitan Los Angeles Area with split deliveries, as required, at Fresno, Bakersfield and points in said metropolitan area.<sup>1</sup>

The application is based on special circumstances and conditions detailed therein.

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The application was listed on the Commission's Daily Calendar of January 22, 1976. Russ Phillips Trucking (Phillips)

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<sup>1</sup>The present rates for this transportation range, depending upon distance, from \$1.82 to \$1.93 per 100 pounds, minimum weight 30,000 pounds plus surcharges of \$2.85 and one percent. The proposed rate is \$1.45 per 100 pounds, minimum weight 30,000 pounds, plus a surcharge of \$2.85.

protested the granting of the application stating that it has been transporting fresh meat for Armour for over 20 years and has lost a considerable volume of this traffic during the past three years due to the fact that the shipper has engaged in proprietary transportation. Phillips avers that the granting of the application would in effect completely eliminate what little traffic is left for it. Phillips disputes, without particularity, "many of the figures contained in the development of revenues and costs attached as exhibits" to the application.

L. P. Oesterreich of Armour has informed the Commission by letter that, after reviewing Phillips' protest, Armour feels that the instant application was brought about due to the increase of some 25 percent in business to the Los Angeles Basin and its desire to change carriers. Mr. Oesterreich states that Armour has, for the past 45 days, experienced losses on all of its shipments and, for this reason, stresses the importance of an immediate decision in this application which will have a direct bearing on its future shipments to the Metropolitan Los Angeles Area.

In the circumstances, the Commission finds that applicant's proposal is reasonable and not diminished by the unsupported allegations of Russ Phillips Trucking. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. Mammoth of California, Inc., a corporation, is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rate set forth therein.

2. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of April, 1976.

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President  
*William J. Sproule*  
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*Vernon L. Sturgeon*  
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*[Signature]*  
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*Robert Bateman*  
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

Carrier: Mammoth of California, Inc.

Commodity: Chilled and frozen fresh meat

For: Armour and Company

From: Armour and Company plant at Dixon.

To: Metropolitan Los Angeles Area as described in Zones 201 through 262 of Distance Table 7 with split deliveries, as required, at Fresno, Bakersfield and points in the Metropolitan Los Angeles Area.

Rate: \$1.45 per 100 pounds, plus split delivery charges.

Minimum Weight: 30,000 pounds per unit of carrier's equipment.

Conditions: 1. Transportation shall be subject to the provisions of Item 170 (split delivery) and to the Central Coastal Territory surcharge in Supplement 75 of Minimum Rate Tariff 2.

2. The involved transportation shall not be subject to the provisions of Items 185 through 187-3 (temperature control service) of Minimum Rate Tariff 2.

Applicant has not indicated subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rate authorized herein.

(END OF APPENDIX A)