

Decision No. 85844**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TONY LUCCHETTI,
individually and doing business as
RODEWAY TRANSPORT, for authority
under Section 3666 of the Public
Utilities Code of the State of
California to deviate from the
minimum rates for the transportation
of bottles for TONKIN CORP. OF
CALIFORNIA, doing business as
SEVEN-UP BOTTLING CO. and CAPITOL
BEVERAGE PACKERS.

Application No. 56195
(Filed January 13, 1976)

INTERIM OPINION

Applicant Tony Lucchetti, a highway permit carrier doing business as Rodeway Transport, seeks authority to deviate from the minimum rates for the transportation of glass bottles from points in Los Angeles, Orange, and Fresno Counties to Sacramento for Tonkin Corp. of California, Sacramento. A rate of 97 cents per cwt, minimum weight 40,000 pounds, is proposed.

According to the application the current minimum rate is 127 cents per cwt. Applicant's estimates indicate that a saving to Tonkin Corp. of \$110 per shipment will result by the granting of this application. Applicant expects an average of 10 loads per month. The estimate of cost of performing the service indicates that the operation will be profitable at the proposed rate level.

Yandell Truckaway, Inc. (Yandell) and California Trucking Association (CTA) protested the application and requested public hearing. Yandell recited certain alleged deficiencies in the application, to which applicant responded in a letter dated April 14, 1976. We do not believe the allegations made by Yandell are such that irreparable harm will result by granting interim authority pending public hearing. We also note that Yandell has authority similar to that sought here.

It would appear that undue hardship may result by further delay of this matter; therefore, the order that follows will be made effective on this day.

INTERIM ORDER

IT IS ORDERED that:

1. Tony Lucchetti, dba Rodeway Transport, is 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 six months after the effective date of this order unless sooner cancelled, modified, or extended by order of the Commission.

3. A public hearing shall be scheduled on this application at a date to be set.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 18th
day of MAY, 1976.

William J. Symons, Jr. President
James L. Sturgeon
Robert Bateman Commissioners

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APPENDIX A

From: Points in Los Angeles, Orange, and Fresno Counties.

To: Tonkin Corp. of California, Sacramento.

Commodity: Glass bottles with tops and demijohns or jars.

Rate: 97 cents per cwt.

Minimum Weight: 40,000 pounds.

This authority is subject to the following condition:

If subhaulers are employed, they shall be paid no less than the rates authorized herein.