

Decision No. 85846

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TONY LUCCHETTI, indi-)
 vidually 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 mini-)
 mum rates for the transportation of)
 bottles for ROYAL CROWN BEVERAGE)
 COMPANY, INC.)

Application No. 56197
 (Filed January 13, 1976;
 amended April 19, 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 and Orange Counties to Oakland and Sacramento, and for plastic shield bottles from Tracy to Oakland for Royal Crown Beverage Company, Inc., Oakland. A rate of 97 cents per cwt is proposed for the shipments originating in Los Angeles and Orange Counties, and 49 cents per cwt for the movement from Tracy, minimum weight 40,000 pounds.

According to the amended application the current minimum rate is 127 cents per cwt applicable to the southern California traffic and 59 cents for the Tracy movement. Applicant's estimates indicate that a saving to the Royal Crown Beverage Company, Inc. of \$110 per shipment will result by the granting of this application. Applicant expects an average of 10 loads per month.^{1/} The estimates of cost of performing the service indicate that the operation will be profitable at the proposed rate levels.

^{1/} No estimate of anticipated traffic from Tracy was made.

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 canceled, 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 S. Squire, Jr. President
James L. Stanger
Alonzo
Robert Batmink Commissioners

APPENDIX A

From: Los Angeles and Orange Counties and Tracy.

To: Sacramento and Oakland.

For: Royal Crown Beverage Company, Inc., Oakland.

Commodities: 1. Glass bottles with tops and demijohn or jars.
2. Plastic shield bottles (from Tracy only).

Rates: 1. 97 cents per cwt from Los Angeles and Orange Counties.
2. 49 cents per cwt from Tracy.

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.