

Decision No. 85869**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Adeline F. Mello)
 and Richard D. Mello, doing)
 business as Northern Refrigerated)
 Transportation for authority to)
 deviate from the provisions of)
 Minimum Rate Tariff #2 for the)
 transportation of cheese and)
 cream cheese for Leprino Cheese)
 Co. between Tracy, Newman and)
 the Los Angeles area.)

Application No. 56317
 (Filed March 8, 1976,
 amended April 2, 1976)

INTERIM OPINION AND ORDER

By this application, as amended, Adeline F. Mello and Richard D. Mello, doing business as Northern Refrigerated Transportation, request authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with transportation of cheese and cream cheese for Leprino Cheese Company from Tracy and Newman to Glendale and Santa Fe Springs.¹

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

The application and amendment were listed on the Commission's Daily Calendar of March 10 and April 5, 1976, respectively. California Trucking Association objected to the ex parte handling of this matter stating that applicants' data reflect one-way costs and raise serious question concerning the reasonableness of the proposal.

¹The present minimum rate for a 48,000-pound split pickup shipment with temperature control service from Newman (28,000 pounds) and Tracy (20,000 pounds) to Santa Fe Springs is \$1.69 per 100 pounds, plus split delivery charges and applicable surcharges. The resulting charge amounts to \$579.26. The proposed charge for the aforementioned shipment would be \$480.

Inasmuch as further delay in this matter may cause applicants to experience undue hardship, the Commission finds that interim authority should be granted pending hearing. The Commission concludes that the effective date of this order should be the date hereof because there is an immediate need for this rate relief.

IT IS ORDERED that:

1. Adeline F. Hello and Richard D. Hello are authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.

2. The authority granted herein shall expire with January 1, 1977, unless sooner cancelled, modified or extended by further order of the Commission.

3. Adeline F. Hello and Richard D. Hello shall clarify their cost data by providing the Commission and all parties to this proceeding with round trip costs for the transportation involved including the source of the return trip traffic and the revenue accruing under the latter traffic.

4. 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 25th day of May, 1976.

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

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.

President
William J. Sproule

Vernon L. Stinson

Robert B. Smith

Commissioners

APPENDIX A

Adeline F. Mello and Richard D. Mello, doing business as Northern Refrigerated Transportation, are authorized to transport cheese and cream cheese in cases, cans, or cartons, for Leprino Cheese Company from Tracy and/or Newman to Glendale and/or Santa Fe Springs at the following rates:

1. A charge of \$480.00 per load shall be assessed, subject to a maximum weight of 48,000 pounds per load, for any single unit of carrier's equipment used.
2. This charge includes pickup at Tracy and/or Newman and delivery to Leprino Cheese Company, Santa Fe Springs, with one extra drop en route at Tuttle Cheese Company, Glendale.
3. This charge includes temperature control service.
4. All products shall be palletized, loaded and unloaded by power equipment furnished by shippers and consignees at no cost to the carrier.
5. Loading at Newman or Tracy shall be accomplished in 45 minutes at each point. Time shall be computed from the period of the truck's arrival until products are loaded, billing is completed, and truck is ready to depart. All time in excess of 45 minutes shall be charged to the shipper at the rates provided by Item 145 of Minimum Rate Tariff 2.
6. Unloading time for consignee shall be 30 minutes at Glendale and 60 minutes at Santa Fe Springs. Excessive unloading time shall be charged at the rates provided in Item 145 of Minimum Rate Tariff 2.
7. Applicants have not indicated that 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 rates authorized herein.
8. In all other respects, the rates and rules set forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)