

Decision No. 85875

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PELLCO TRUCKING, INC., a corporation,
for an order authorizing departure
from the rates, rules and regulations
of Minimum Rate Tariff No. 2 pursuant
to the provisions of Section 3666 of
the Public Utilities Code for the
transportation of beer in cartons
and kegs from Azusa, California, to
Foster City, California, and from
Van Nuys to San Francisco, Richmond,
Pittsburg, Oakland, Hayward, Vallejo,
Stockton, and Novato, California.

Application No. 56375
(Filed April 1, 1976)

INTERIM OPINION

Applicant Pellco Trucking, Inc., a highway permit carrier, seeks authority to deviate from the minimum rates for the transportation of beer from Miller Brewing Company, Azusa, and Jos. Schlitz Brewing Company, Van Nuys, to eight distributors located in the San Francisco Bay Area. The proposed rates are generally on the same level as the current rail rates applicable between the same points.

Applicant presently is operating as a prime carrier in connection with the transportation subject to this application. Southbound operations are conducted as an underlying carrier for Preston Trucking Co. (Preston) transporting beer from General Brewing Company (General), San Francisco. By Decision No. 84720 dated July 29, 1975 in Application No. 55719, Preston was granted interim authority to deviate from the minimum rates for the transportation of beer for General to various points in southern California. Applicant states that due to the arrangement with Preston, the northbound and southbound movements are 100 percent in balance.

Applicant alleges that the arrangement is economically beneficial to the carriers, shippers, and distributors involved and that the authority sought here is necessary to continue that arrangement.

Due to the relationship of this matter and Application No. 55719 this matter will be consolidated for hearing with Application No. 55719 now scheduled for June 17, 1976 at San Francisco.

Protests and request for public hearing have been received from Parker and Son Trucking, L.A. Eureka Lines, Isaacs Trucking, James Murrill, Redwood Empire Transportation Co., Inc., and the California Trucking Association. By letter dated April 26, 1976, applicant withdrew its request for interim authority insofar as it concerns Maita Distributors (Maita) of Foster City. We also note that applicant is the carrier respondent in Case No. 9954 now pending. Rossi Distributing Co. (Rossi), San Francisco, and United Beverage, Inc. (United), Oakland, two of the distributors for whom relief is sought here, are co-respondents in Case No. 9954.

In consideration of the interim authority granted Preston and the relationship of that matter to this, interim authority will be granted. However, due to the protests filed and our pending investigation, the authority will not include transportation performed for Rossi, United, or Maita.

Applicant requests prompt handling of this matter and also that the authority be made effective on the date of issuance. In view of the short period before this matter is to be heard, applicant should have an opportunity to accumulate some actual experience under the deviation. This order therefore will be made effective on this day.

INTERIM ORDER

IT IS ORDERED that:

1. Pellco Trucking, Inc. 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 is scheduled on June 17, 1976 at San Francisco.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 25th
day of P. MAY, 1976.

President
William Lyons Jr.
Vernon L. Sturgeon
Commissioners

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.

APPENDIX A

Commodity: Beer.

From: Jos. Schlitz Brewing Company, Van Nuys.

<u>Destination</u>	<u>Distributor</u>	<u>Rate Per 100 Pounds</u>	<u>Minimum Weight</u>
Richmond	Richmond Beverage	.66	48,000 lbs.
Pittsburg	Union Beverage Inc.	.66	48,000 "
Vallejo	Tri-City Distributing Co.	.77	48,000 "
Stockton	Dawson Distributing Co.	.70	48,000 "
Novato	Ciampi Distributing Co.	.82	48,000 "

Conditions:

- a. If underlying carriers are employed, they shall be paid no less than \$200 per trip where the underlying carrier's equipment consists of a tractor only or not less than the rates authorized herein when all equipment used is furnished by the underlying carrier.
- b. Other than the authority described above, all other provisions of Minimum Rate Tariff 2 shall apply.