

Decision No. 86189**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of YANDELL TRUCKAWAY,)
 INC., a California corporation, 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 Beverages and)
 Syrup, in glass or cans, and)
 empty glass beverage bottles, for)
 ROYAL CROWN BEVERAGE COMPANY, INC.,)
 between certain points.)

Application No. 56530
 (Filed June 7, 1976)

INTERIM OPINION

Applicant Yandell Truckaway, Inc., a highway permit carrier, seeks interim authority to deviate from the minimum rates for the transportation of beverages in glass bottles or cans from Oakland to various destinations, all within 200 miles of Oakland, and for the transportation of glass bottles from Orange and Los Angeles Counties and Tracy to Oakland.

The relief requested involves transportation services for Royal Crown Beverage Company, Inc., (Royal Crown) of Oakland. Royal Crown has advised applicant that if it is to be successful in competitive bidding for bottling and canning of beverages, it must have properly cost-related rates as proposed herein, or the necessary equipment will be acquired to transport its products in proprietary hauling.

Applicant is aware of the fact that Royal Crown currently operates a fleet for delivery of its products in the Oakland area and is financially able to acquire the necessary equipment to perform the transportation services in proprietary hauling, unless the deviation rates as requested herein are made applicable to the commodities moving to the designated points.

Royal Crown has for the past several years employed applicant's services for the movement of its products from bottling and canning facilities to customers, dealers and suppliers, and as a result of such employment is well aware of applicant's service.

By Decision No. 81638, dated July 24, 1973, minimum rate deviation authority was granted for the movement of the same commodities as sought herein, for Tonkin Corp. of California, doing business as Seven-Up Bottling Co. and Capitol Beverage Packers, Sacramento, California. Those rates were extended by Commission's Orders SDD 272 and 372, respectively, and are currently in effect. Some of the products that applicant previously transported from Sacramento will now move from the Oakland plant of Royal Crown to customers at the same destinations.

By Decision No. 85846 dated May 18, 1976 authority was granted to Tony Lucchetti, doing business as Rodeway Transport, to deviate from the minimum rates for the same transportation service proposed here from Orange and Los Angeles Counties and Tracy to Oakland. Authority to deviate from the minimum rates was also granted to Rodeway Transport at the same time, for the transportation of glass bottles from southern California origins to competitive bottlers.

Data included in the application indicates that the service proposed may be expected to generate about \$234,000 annually; \$56,000 less than the minimum rates would have produced, an average reduction of 19 percent.

The application was noticed on the Commission's Daily Calendar of June 8, 1976. No protest or request for public hearing has been received.

Undue hardship may result by delay of this matter; therefore, the order that follows will be made effective on this day.

Subject to further review and consideration of actual cost evidence to be submitted by applicant, we find that the proposed rate deviation is reasonable and conclude that interim authority should be granted as set forth in the following order.

INTERIM ORDER

IT IS ORDERED that:

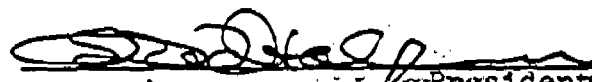
1. Yandell Truckaway, Inc., is authorized to depart from the provisions of Minimum Rate Tariff 2 to the extent set forth in Appendix A of this decision.


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

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd
day of AUGUST, 1976.





President


Leonard Ross

Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A
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Carrier: Yandell Truckaway, Inc.

Shipper: Royal Crown Beverage Company, Inc.

Commodities: Beverages, in metal cans, as described
in Item 72160 of NMFC.^{1/} Beverages, in
glass bottles, as described in
Item 72160 of NMFC. Syrup, flavoring
or fruit, in packages, as described in
Item 75170.

Origin: Royal Crown Beverage Company, Inc., 155 - 98th
Avenue, Oakland, California 94614.

Rates:

<u>Destination</u>	<u>Rate in Cents Per 100 lbs.</u>
Brisbane	30
Chico	63
Fresno	58
Milpitas	30
Richmond	29
Sacramento	43
Salinas	43
San Jose	29
San Leandro	23
Santa Rosa	41
Stockton	37
Tracy	33

Minimum Weight: 46,000 lbs.

Commodity: Glass Beverage Containers.

From: Owens-Illinois, Inc., Tracy, California.

To: Royal Crown Beverage Company, Inc., 155 - 98th
Avenue, Oakland, California 94614.

Rate: 49 cents per 100 lbs.

Minimum Weight: 40,000 lbs.

^{1/} NMFC - National Motor Freight Classification.

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Commodity: Glass Beverage Containers.

From: Points located in Orange County and Los Angeles County.

To: Royal Crown Beverage Company, Inc., 155 - 98th Avenue,
Oakland, California 94614.

Rate: \$1.00 per 100 lbs.

Minimum Weight: 40,000 lbs.

- Conditions:
1. Shipments must be power-loaded by shipper and power-unloaded by consignee.
 2. No split delivery service to be accorded.
 3. Rates not subject to surcharge.
 4. If subhaulers are employed, they shall be paid not less than the rates authorized herein.
 5. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.