

Decision No. 86255

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
GARY DeLARA, doing business as )  
DeLARA TRUCKING, under Section 3666 )  
of the Public Utilities Code of the )  
State of California, for authority )  
to charge rates less than those )  
prescribed in Minimum Rate Tariff )  
No. 2 for the transportation of )  
beer from the Los Angeles, Califor- )  
nia, Metropolitan Zone Group to )  
Fresno, California, and the return )  
of empty containers for the account )  
of DIEL BROS. BEER DISTRIBUTORS. )

Application No. 55876  
(Filed August 21, 1975;  
amended April 30, 1976)

INTERIM OPINION

Applicant, a highway permit carrier, seeks authority to deviate from the minimum rates for the transportation of beer from Van Nuys to Fresno and empty containers from Fresno to Van Nuys for the account of Diel Bros. Beer Distributors. Applicant owns and operates one truck-tractor and three trailers; and, since on or about August 1, 1975, he has averaged seven loads of beer per week northbound. Applicant alleges he has virtually no overhead. He conducts the business and does the driving. He operates out of his home, and his wife keeps the records and does the office and clerical work. His procedure is to have one trailer loading and another unloading while the tractor and third trailer are on the road. Shipments are power-loaded and power-unloaded by the shipper and the consignee, respectively. Income and expense data included with the application indicate that the transportation at the proposed rates will be compensatory. The service proposed may be expected to generate revenue of approximately \$132,000 annually; \$62,000 less than the minimum rates would produce, an average reduction of 32 percent.

The application and amendment thereto were mailed to the California Trucking Association (CTA) and were noted on the Commission's Daily Calendar. CTA questioned some of the costs submitted with the application which applicant attempted to clarify by letter addressed to the Commission with a carbon copy to CTA dated June 11, 1976. Subsequently, by letter dated June 22, 1976, applicant requested that interim authority be granted. No objection to a grant of the interim authority has been received.

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 ensuing order.

INTERIM ORDER

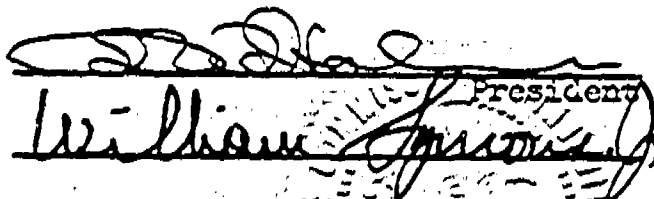
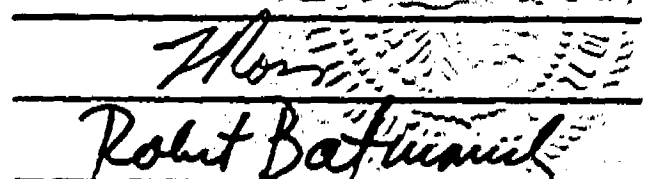
IT IS ORDERED that:

1. Gary DeLara, doing business as DeLara Trucking, is authorized to depart from the provisions of Minimum Rate Tariff 2 to the extent set forth in Appendix A of this decision. This authority does not include any deviation from any rates, rules, and regulations except as specifically set forth in Appendix A.

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

The effective date of this order shall be twenty days after ✓  
the date hereof.

Dated at San Francisco, California, this 17th  
day of AUGUST, 1976.

  
President  
  
Commissioners

Commissioner Vernon L. Sturgeon, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

APPENDIX A

Carrier: Gary DeLara, dba DeLara Trucking.

Commodities: Beer and empty containers returning.

Between: Joseph Schlitz Brewing Company and Anheuser Busch Brewery, Van Nuys, on the one hand, and Diel Bros. Distributing Co., Fresno, on the other hand. (Subject to Note 1.)

Rate: 59 cents per 100 lbs.

Minimum Weight: Beer - 50,000 lbs.  
Empty containers returning - 20,000 lbs.

Conditions:

1. Shipments must be power-loaded by consignor and power-unloaded by consignee.
2. Rates not subject to surcharge.
3. Applicant has 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.

Note 1: Rates authorized herein apply to beer moving from Van Nuys to Fresno and empty containers returning from Fresno to Van Nuys.