

Decision No. 86374

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF TRAILS TRUCKING,)
 INC. UNDER SECTION 3666 OF THE)
 CALIFORNIA PUBLIC UTILITIES CODE)
 TO DEVIATE FROM THE PROVISIONS OF)
 MINIMUM RATE TARIFF NO. 2 IN THE)
 TRANSPORTATION OF GLASS BOTTLES)
 OR JARS FOR THE ACCOUNT OF KERR)
 GLASS MANUFACTURING CORPORATION)
 OF SANTA ANA, CALIFORNIA)

Application No. 56520
 (Filed June 1; 1976)

OPINION AND ORDER

By this application, Trails Trucking, Inc. a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of palletized shipments of glass bottles or jars for Kerr Glass Manufacturing Corporation from Santa Ana to various points.¹

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

The application was listed on the Commission's Daily Calendar of June 3, 1976. California Trucking Association objected to the ex parte handling of this matter stating that "the reasonableness of the proposed rates cannot be measured by the 'representative'

¹The minimum rates, exclusive of applicable surcharges, and the proposed rates in cents per 100 pounds for representative palletized shipments of glass bottles and jars are:

| From Santa Ana to | Present Rates | | Proposed Rates | | Proposed Rates | |
|-------------------------|---------------------------------|---------------|---------------------------------|---------------|----------------|----------------------------------|
| | Minimum Weight 30,000 pounds | 40,000 pounds | Minimum Weight 35,000 pounds | 40,000 pounds | 45,000 pounds | Proposed Rates Minimum Weight |
| Salinas | 130 | | 98 | 93 | | 88 |
| San Jose | 141 | | 98 | 93 | | 88 |
| Tracy | 135 | | 98 | 93 | | 88 |

owner-operator cost data submitted by the Applicant." However, revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates.

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. Applicant contemplates the use of subhaulers with remuneration at 60 percent of the deviation rates sought. While applicant has provided an analysis of a representative subhauler's cost, there is no indication that any one subhauler will actually experience such a cost. The provision for the payment to subhaulers has not been justified and will not be authorized. A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this relief.

IT IS ORDERED that:

1. Trails Trucking, Inc., a corporation, is 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 one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14th day of
September, 1976.

*We dissent because of the
effective date being
the date hereof.*

William Synnott

Vernon L. Sturgeon

[Signature]
President

[Signature]

[Signature]
Robert Bateman
Commissioner

APPENDIX A

Trails Trucking, Inc., a corporation, is authorized to transport palletized shipments of glass bottles and jars (as described in Item 87700 of the National Motor Freight Classification NMF 100-C) for Kerr Glass Manufacturing Corporation at the following rates:

Rates in Cents Per 100 PoundsMinimum Weight in Pounds

| <u>From Santa Ana to</u> | <u>35,000 Pounds</u> | <u>40,000 Pounds</u> | <u>45,000 Pounds</u> |
|----------------------------------|--------------------------|--------------------------|--------------------------|
| Castroville | 98 | 93 | 88 |
| Fresno | 93 | 88 | 83 |
| Oakland | 98 | 93 | 88 |
| Orland | 150 | 145 | 140 |
| Redwood City | 98 | 93 | 88 |
| Richmond | 98 | 93 | 88 |
| Salinas | 98 | 93 | 88 |
| San Jose | 98 | 93 | 88 |
| Sebastopol | 150 | 145 | 140 |
| South San Francisco | 98 | 93 | 88 |
| Sunnyvale | 98 | 93 | 88 |
| Tracy | 98 | 93 | 88 |
| Watsonville | 98 | 93 | 88 |
| Visalia | 85 | 80 | 75 |

APPENDIX A

Rates in Cents Per 100 PoundsMinimum Weight in Pounds

| From Santa Ana to the counties of : | <u>35,000 Pounds</u> | <u>40,000 Pounds</u> | <u>45,000 Pounds</u> |
|--|--------------------------|--------------------------|--------------------------|
| Alameda) | | | |
| Contra Costa) | | | |
| Monterey) | | | |
| San Francisco) | | | |
| San Joaquin) | 98 | 93 | 88 |
| San Mateo) | | | |
| Santa Clara) | | | |
| Santa Cruz) | | | |
| Stanislaus) | | | |

Conditions:

1. Shipments shall be loaded by shipper and unloaded by consignee without assistance of, or expense to, the carrier.
2. The minimum weights per shipment shall be 35,000, 40,000 or 45,000 pounds.
3. Applicant has indicated that subhaulers will be engaged. If subhaulers are employed, they shall be paid no less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
4. In all other respects, the rates and rules set forth Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)