

ORIGINAL

Decision No. 86486

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PAUL SIMON, DOING BUSINESS AS SIMON
TRUCKING, for authority to deviate
from certain minimum rates pursuant
to Section 3666 of the California
Public Utilities Code for trans-
portation performed for VONS
GROCERY COMPANY, LUCKY MARKETS,
INC., FAZIO'S, and RALPH'S GROCERY
CO.

Application No. 56191
(Filed January 9, 1976)

INTERIM OPINION

Applicant Paul Simon, dba Simon Trucking, seeks authority to deviate from the minimum rates for the transportation of sugar by assessing a rate equal to 72 percent of the applicable minimum rate, but not less than 75 cents per hundred pounds subject to a minimum weight of 44,000 pounds. The proposal would apply to transportation for Vons Grocery Company, Lucky Markets, Inc., Fazio's, and Ralph's Grocery Co. The minimum rate applicable to the transportation in question is set forth in Item 740, Minimum Rate Tariff 2. The current minimum rate is 108 cents per cwt applicable to sugar in packages between Spreckels and the Los Angeles Basin Territory, subject to a minimum weight of 42,000 pounds.^{1/}

According to the application all shipments will be loaded and unloaded by forklift by the consignor and consignee. Applicant

^{1/} The rate in Item 740 is 104 cents per cwt. It is subject to the 1 percent surcharge in Supplement 119 and the 3 percent surcharge required by Decision No. 85755. A charge of \$2.85 per shipment is also applicable as required by Supplement 75. This charge is not included in the above rate.

claims that the proposal will be profitable in itself. It is pointed out, however, that applicant's normal northbound operations make the proposal even more profitable by improving the load factor. The cost estimates accompanying the application indicate that the proposal will be profitable.

The California Trucking Association (CTA) objected to the requested ex parte order on the grounds that some of the cost estimates were questionable and the linking of the unrelated northbound movement costs with the proposed deviation was improper.

The circumstances in this matter are similar to those wherein temporary authority has been granted for the purpose of gaining actual operating experience. It appears appropriate that this applicant should be allowed the same opportunity.

Interim authority will be granted pending hearing. Applicant will be expected to produce evidence which will reflect actual operating revenue and expenses, which must include return movements. If underlying carriers are to be employed, the expenses of such carriers will be required.

Applicant is placed on notice that, should his operations for the involved shippers be between fixed termini or over a regular route, he should apply for a highway contract carrier's permit.

In order to give applicant maximum time to secure data and to avoid undue hardship as a result of further delay, the following order will be made effective on this day.

INTERIM ORDER

IT IS ORDERED that:

1. Paul Simon, dba Simon Trucking, 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. The authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

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

3. 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 13th day of OCTOBER, 1976.

I dissent as to the effective date being the date hereof.

William Gueros Jr
Commissioner

[Signature]
President

Vernon L. Sturgeon

Donald Ross
Robert Patman
Commissioners

I dissent only to the effective date

Vernon L. Sturgeon
Commissioner

APPENDIX A

Carrier: Paul Simon, dba Simon Trucking.

Commodity: Sugar, in packages.

Minimum Weight: 44,000 pounds.

Rate: 72 percent of named in Item 740, Minimum Rate Tariff 2,
but not less than 75 cents per cwt.

From: Spreckels Sugar Company, Spreckels.

To: Points within the Los Angeles Basin Territory as described
in Item 270, Minimum Rate Tariff 2.

For: Vons Grocery Company
Lucky Markets, Inc.
Fazio's
Ralph's Grocery Co.

Conditions:

1. If subhaulers are employed, they shall be paid not less than the rates authorized herein without any deduction for the use of applicant's trailing equipment.
2. Rates subject to loading by consignor at origin and unloading by consignee at destination without cost to carriers.
3. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.