

Decision 84 02 022

FEB 1 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of Silva Trucking Company, a )  
California trucking company, for )  
authority to depart from the rates, )  
rules and regulations of Minimum )  
Rate Tariff 14-A in the transportation )  
of bulk grain under the provisions of )  
Section 3666 of the Public Utilities )  
Code. )

Application 83-10-53  
(Filed October 31, 1983)

O P I N I O N

By this application David C. Silva (applicant) requests authority to assess rates less than those named in Minimum Rate Tariff (MRT) 14-A for the transportation of bulk grain for Continental Grain Company. Rates will apply only from permanent storage facilities; any field hauling will be performed at MRT 14-A rates.

Applicant proposes to assess rates based on a minimum weight of 56,000 pounds, and ranging from approximately 9% to 30% lower than those shown in Item 550 of MRT 14-A, which are subject to minimum weights of 52,000 pounds.

Applicant asserts that the shipper is able to tender a large volume of business, extending beyond normal harvest seasons, whereas applicant has been engaged primarily in seasonal work. The proposed rates will apply from permanent storage sites equipped with automatic loading facilities. Applicant's motor vehicle fleet consists of lightweight grain hauling equipment able to legally transport loads weighing up to 58,000 pounds.

Applicant presently holds highway contract carrier, agricultural carrier and tank truck carrier permits.

The shipper has furnished a letter supporting the proposal.

Applicant does not intend to use subhaulers in providing service at the proposed rates.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar of November 3, 1983. No objection to granting the request has been received.

Cost and revenue information included with the application have been developed on a round-trip basis, and show that transportation at the proposed rates will be compensatory, resultant cost-revenue relationships ranging from 75% to 95%.

We will grant the request subject to the conditions set forth in Appendix A.

Because an immediate financial benefit is available to the debtor involved in this transportation, this decision should be effective today.

Findings of Fact

1. Applicant requests authority to assess less than the minimum rates contained in MRT 14-A for the transportation of bulk grain.
2. Cost data submitted by applicant indicate that transportation at the proposed rates will be compensatory.
3. Applicant does not intend to engage subhaulers to perform this transportation.

Conclusions of Law

1. The proposed rates are reasonable.
  2. The application should be granted.
  3. Since transportation conditions may change, this authority should expire in one year.
  4. There is an immediate opportunity for rate relief.
- Therefore, the effective date of this order should be today.

O R D E R

IT IS ORDERED that:

1. David C. Silva may depart from the provisions of MRT 14-A by assessing not less than the rates in Appendix A.
2. This authority shall expire one year after the effective date.

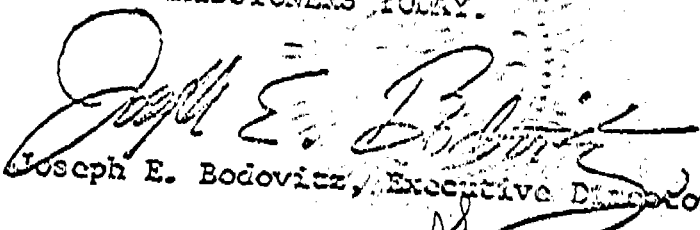
This order is effective today.

Dated FEB 1 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bodovitz, Executive Director

APPENDIX A

Carrier: David C. Silva.

Shipper: Continental Grain Company.

Commodity: Bulk Grain.

Minimum Weight: 56,000 pounds per unit of equipment, per load.

Rates in Cents Per 100 Pounds

<u>Miles</u>	<u>Rate</u>	<u>Miles</u>	<u>Rate</u>	<u>Miles</u>	<u>Rate</u>
0 - 5	8	61 - 70	30	131 - 140	51
6 - 10	12½	71 - 80	32½	141 - 150	53
11 - 20	15	81 - 90	34	151 - 160	55
21 - 30	17½	91 - 100	36½	161 - 170	60
31 - 40	20	101 - 110	40	171 - 180	63
41 - 50	22½	111 - 120	42½	181 - 190	65
51 - 60	26½	121 - 130	45	191 - 200	68

Conditions:

1. Over 200 miles, add 3 cents per 100 pounds for every 10 miles or fraction thereof.
2. Rates apply to shipments from permanent storage only.
3. Field pickup shipments must be transported at MRT 14-A rates.
4. If independent contractor subhaulers are engaged to perform this transportation, they shall be paid not less than the rates authorized herein, without any deduction for use of applicant's trailing equipment.
5. Rates are not subject to any surcharge.

(END OF APPENDIX A)