

Decision 82 01 39

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Rob Jon Goliti and Gordon John )  
Mommer doing business as Midnight )  
Express Trucking Co. for authority )  
to deviate from the provisions of )  
Minimum Rate Tariff No. 8-A in )  
connection with the transportation )  
of bananas from Long Beach and Los )  
Angeles, to three consignees in )  
Fresno. )

Application 61033  
(Filed November 3, 1981)

O P I N I O N

By this application, Rob Jon Goliti and Gordon John Mommer, a partnership, doing business as Midnight Express Trucking Co. (Midnight), request authority to deviate from the provisions of Minimum Rate Tariff 8-A (MRT 8-A) in connection with the transportation of bananas from Long Beach and Los Angeles to Fresno. The transportation will be performed for the accounts of Hobbs-Parson Produce Company, O. K. Produce, and Fresno Mountain Foods.<sup>1/</sup>

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<u>1/</u> MRT 8-A Present Rates/Charge	Proposed Charge
240 - 260 constructive miles	
48,000 pounds minimum weight	
\$1.16 per cwt plus 2-1/2% surcharge	
\$573.50	\$360.00

If the deviation is granted, the application cites the following benefits to Midnight: (1) The elimination of empty equipment returning from Los Angeles to its Clovis terminal; (2) the consignees will assume the cost of loading (lumpers and swamper) with unloading to be performed by consignees' personnel; and (3) replace consignees' proprietary service which usually travels from Fresno to the banana docks empty.

Revenue and expense data submitted by Midnight indicate that the transportation involved may reasonably be expected to be profitable under the proposed charge.

The application was listed on the Commission's Daily Calendar of November 5, 1981. No objection to the granting of the application has been received.

The proposal is not a major action significantly affecting energy efficiency within the meaning of the Public Utilities Code Sections 3502.1 and 3502.2.

Findings of Fact

1. The deviation from the provisions of MRT 8-A is justified.
2. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
3. A public hearing is not necessary.

4. Applicant seeks relief under PU Code Section 491 stressing an urgent need for this rate relief.

5. As the matter is noncontroversial and no protests have been filed, the order which follows should be made effective on the date of signature.

Conclusion of Law

The application should be granted.

O R D E R

IT IS ORDERED that:

1. Rob Jon Goliti and Gordon John Mommer, a partnership doing business as Midnight Express Trucking Co., are authorized to depart from the provisions of Minimum Rate Tariff 8-A at not less than the rate set forth in Appendix A.

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

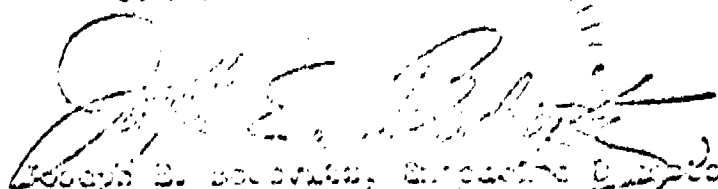
This order is effective today.

Dated JAN 5 1982, at San Francisco, California.

JOHN E. ERYSON  
President  
RICHARD D. GRAVELLE  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

Commissioner Leonard M. Crimes, Jr.,  
being necessarily absent, did not  
participate.

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

  
John E. Eryson, President

## APPENDIX A

Carrier: Rob Jon Goliti and Gordon John Mommer  
doing business as  
MIDNIGHT EXPRESS TRUCKING COMPANY

Commodity: Bananas

Origins: Standard Fruit Company and United Fruit Company  
facilities at the ports of Long Beach and Los  
Angeles (Wilmington).

Consignees: Hobbs-Parson Produce Company, O. K. Produce,  
and Fresno Mountain Foods.

Destination: Fresno facilities of the above consignees.

Rate: \$360.00 per unit of equipment.

Maximum Weight: 48,000 pounds per unit of equipment.

Conditions:

1. Payment of Freight: Consignee shall pay the freight charges.
2. Loading: Consignee shall assume all charges for lumpers or swampers used in the loading of applicant's vehicles, although applicant's driver shall assist lumpers or swampers in the loading of the vehicles at the docks.
3. Unloading: Consignee shall unload the vehicles in Fresno.
4. Subhaulers: If subhaulers are used, they shall receive no less than 100% of the authorized rate without any deduction for use of applicant's trailing equipment.
5. Applicant will not transport more than 48,000 pounds per load under this deviation authority.
6. No split deliveries will be allowed.
7. In all other respects, the rates and rules in Minimum Rate Tariff 8-A shall apply.

(END OF APPENDIX A)