

ORIGINAL

Decision 83 04 051 APR 20 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Mammoth of California for authority to depart from the minimum rates, rules and regulations of Minimum Rate Tariff No. 8, pursuant to the provisions of Section 3666 of the Public Utilities Code for transportation of BANANAS for Lucky Stores Inc.

Application 83-02-42  
(Filed February 18, 1983)

O P I N I O N

Mammoth of California (Mammoth) requests authority to charge less than the rates contained in Minimum Rate Tariff (MRT) 8-A for the transportation of bananas. Shipments involved are those originating at the banana loading facilities at Long Beach, Los Angeles Harbor, and Port Eueneme, destined to Lucky Stores, Inc. (Lucky) at San Leandro. The minimum rates applicable for the northbound shipments of bananas, as presently shown in MRT 8-A, are as follows:

Table 1  
MILEAGES

To: San Leandro  
 From: Long Beach/Los Angeles Harbor 412  
 From: Port Eueneme 390

PRESENT CHARGES BASED ON APPLICABLE MILEAGE

Miles	375-400	400-425
Base Rate	163/43000 = \$700.90	173/43000 = \$743.90
Surcharge 2.5%	17.52	18.60
Mechanical Refrigeration 6.5¢	27.95	27.95
Mechanical Refrigeration		
Surcharge 2%	.56	.56
Total	<u>\$746.93</u>	<u>\$791.01</u>

In lieu of the applicable minimum charges for the transportation shown above, Mammoth requests permission to assess a charge of \$725 or \$650, depending upon return load opportunity. These charges will include the base rate, mechanical refrigeration charge, loading, unloading, and surcharges otherwise applicable in connection with the services. Loading of carrier equipment will be performed by the shipper, with the driver acting only as a "pusher" (assistant). Unloading of carrier equipment will be accomplished by the driver only.

The shipments will be in straight truckload quantities. Average shipment weight is in excess of 43,500 pounds. Vessels bringing bananas to Long Beach and Los Angeles Harbors are off-loaded for truck loading every Monday, commencing 8 a.m. and concluding Thursday at 5 p.m. Vessels arriving at Port Eueneme are off-loaded on Mondays, commencing at 8 a.m. through Wednesdays at 5 p.m.

The carrier believes it is justified in reducing banana truckload rates on the basis of speedy consignor loading, consistency of traffic and reduced cost of unloading.

In connection with some of the northbound banana shipments delivered to San Leandro, Mammoth intends to transport a southbound shipment to the Los Angeles area. In those instances where Lucky tenders Mammoth a return southbound load within 12 hours of completion of the northbound banana movement, Mammoth will assess the lower charge of \$650 on the banana shipment.

Mammoth has submitted cost information applicable in connection with its proposal. Costs include labor expense (based on prevailing wage levels), vehicle fixed and mileage costs, insurance, Commission fees, and indirect expenses. The application contains a letter of support from Lucky.

Mammoth has not requested that service under the requested rates include stops for partial loading and/or unloading.

The Commission's Transportation Division has reviewed the application and supporting cost information and believes it to be one which, in the absence of protest, may be granted by ex parte order. It recommends that the authority be granted for a one-year period and be conditioned as follows:

If Mammoth engages subhaulers, these carriers shall be paid 100% of the rates authorized without any deduction for use of Mammoth's trailing equipment.

Mammoth currently assesses a rate of 101¢, minimum weight 48,000 pounds, on shipments of groceries moving between Bay Area points on the one hand, and the Los Angeles area, on the other hand, under Rate Reduction (RR) 504. In granting this application, we will condition use of the lower charge of \$650 upon tender of a return load earning at least the minimum charge under RR 504.

Notice of filing of the application appeared on the Commission's Daily Transportation Calendar. Copies of the application were served on four competing carriers and the California Trucking Association. No protests have been received.

Findings of Fact

1. Mammoth seeks authority to assess rates less than the minimum rates set forth in MRT 8-A for the transportation of bananas originating at Long Beach, Los Angeles Harbor, and Port Hueneme destined to Lucky in San Leandro.
2. The transportation will be performed in refrigerator vans.
3. Cost data submitted with the application indicate that the transportation at the proposed rates will be compensatory.
4. No protest to granting the application has been received.
5. A public hearing is not necessary.

Conclusion of Law

The application should be granted to the extent set forth in the following order. Since there is an immediate need for relief, the effective date of this order should be today.

O R D E R

IT IS ORDERED that:

1. Mammoth of California is authorized to depart from the provisions of MRT 8-A and to assess rates for transportation to the extent and at rates set forth in Appendix A.

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

3. In all other respects, the provisions of MRT 8-A shall apply.

This order is effective today.

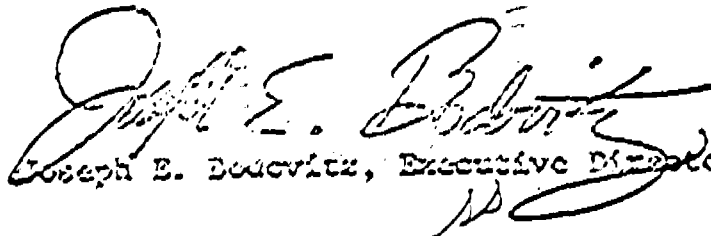
Dated APR 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
DONALD VIAL  
Commissioners

Commissioner Francella C. Crew, being necessarily absent, did not participate in the disposition of this proceeding.

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

  
Joseph E. Deovitz, Executive Director

APPENDIX A

Carrier: Mammoth of California.

Shipper: Lucky Stores, Inc.

Commodity: Bananas.

Origins: Long Beach, Los Angeles Harbor, Port Hueneme.

Destination: Lucky Stores, Inc. Distribution Center at San Leandro.

Rates: \$650 per unit of equipment, per load (1).

\$725 per unit of equipment, per load (2).

Conditions:

1. Rates are not subject to the following provisions of MRT 8-A:
    - a. Item 150 - loading/unloading.
    - b. Item 240 - mechanical refrigeration.
    - c. Surcharge.
  2. Shipper shall load carrier's equipment, with carrier driver acting only as pusher.
  3. Carrier shall unload, using driver only.
  4. Carrier shall not stop in transit to complete loading or partly unload.
  5. If Mammoth engages subhaulers to perform this transportation, these carriers shall be paid 100% of the rates shown, without any deduction for the use of Mammoth's trailing equipment.
- (1) Applies when Lucky Stores, Inc. tenders a return load to Mammoth for transportation in same unit of equipment. Return load must be loaded within 12 hours after unloading of northbound banana load. Return load must move under the provisions of Rate Reduction 504.
- (2) Applies when a return load is not tendered as outlined in (1).

(END OF APPENDIX A)