

ORIGINAL ^{D-12}

Decision 83 95 029 MAY 4 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Adams Trucking, Inc. to modify)
D.82-08-100 to use subhaulers,)
under Section 3666 of the Public)
Utilities Code, for the authority)
to deviate from the rates, rules)
and regulations in Minimum Rate)
Tariff 14-A for the transportation)
of "Milled Rice" in bulk from)
Pacific International Rice Mill in)
Woodland, California to the Port)
of Sacramento.)

Application 83-03-43
(Filed March 15, 1983)

O P I N I O N

Adams Trucking, Inc. (Adams) was authorized by Decision (D.) 82-08-100 dated August 18, 1982 in Application (A.) 82-05-06 to charge less than the minimum rate in Minimum Rate Tariff (MRT) 14-A for the transportation of milled rice, in bulk, for Pacific International Rice Mill, Inc. from Woodland to the Port of Sacramento during the months of December 1982 through May 1983. The authorized rate is 15 cents per 100 pounds plus a 3% surcharge, minimum weight 52,000 pounds. The authority is subject to a condition that if subhaulers are engaged to perform any of this transportation, they shall be paid not less than the rate authorized without any deduction for use of Adams' trailing equipment.

By this application, Adams requests that the condition in the deviation authority requiring payment of not less than the authorized rate to subhaulers with no deduction for use of its

trailing equipment by them be deleted. Attached to the application is a statement signed by 14 subhaulers stating that they could operate at a profit if they received 75% of the authorized rate for using their power equipment to pull Adams' trailers. Supporting cost data for each subhauler was also attached to the application.

The application was listed on the Commission's Daily Calendar and its Daily Transportation Calendar of March 17 and 18, 1983, respectively. A copy was served on the California Trucking Association. No protest to the sought authority has been received. The Commission's Transportation Division staff has advised that it has no objection to the granting of the application.

We are of the opinion that the application should be granted. By letter dated April 11, 1983, applicant advised that the volume of rice shipments will continue to increase until the movement ends on June 1 and that it is becoming more and more difficult for its drivers to handle the volume. Because there is an urgent need for the sought authority, the following order should be made effective on the date it is signed.

Since the rice movement in issue will be completed by June 1 and the deviation authority granted by D.82-08-100 will expire May 31, 1983, the following order will be made subject to the same expiration date.

Findings of Fact

1. The transportation in issue involves unique circumstances.
2. The 14 named subhaulers' costs for this transportation are less than those used to set the rates in MRT 14-A.
3. The proposed rate for the 14 named subhaulers is compensatory and reasonable.
4. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted as provided in the following order.
2. This authority should expire May 31, 1983.
3. This order should be effective on the date signed because there is an immediate need for the rate relief.

O R D E R

IT IS ORDERED that:

1. Appendix A of D.82-08-100 in A.82-05-06 is amended by replacing Condition 4 with attached Revised Condition 4.
2. This authority shall expire May 31, 1983 unless sooner canceled, modified, or extended by further order of the Commission.

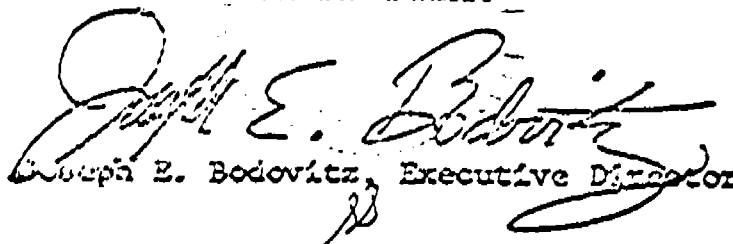
This order is effective today.

Dated MAY 4 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director

REVISED CONDITION 4 OF APPENDIX A
TO DECISION 82-08-100 IN APPLICATION 82-05-06

Conditions:

- 4.a. If any subhaulers other than those named below are employed, they shall be paid not less than the authorized rate without any deduction for the use of Adams' trailing equipment:

Lee Archie	T- 93,434
Raymond Dixon	T-134,486
Tony Howard	T-130,974
Mark Archer	T-128,956
David Heidrick	T-128,501
Frank Lemos	T- 67,698
Francis Clarke	T-101,947
Jesus Silva	T- 94,428
Rich Croll	T-119,345
Murray Dixon	T-133,668
John D. Holmes	T- 97,686
John Newsom	T- 93,069
Wayne Hood	T-104,083
Bob Caskill	T-120,387

- 4.b. If Adams provides trailing equipment for any of the subhaulers listed in paragraph a, it may deduct 25% from the rate authorized for the use of the trailing equipment.