

ORIGINAL

Decision 83 11 076 NOV 22 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of KIMKRIS TRUCKING)
CO., INC. by its consultant)
Marshall Blaine, under Shortened)
Procedure Tariff Docket to make)
certain amendments to Pacific)
Coast Tariff Bureau Tariff)
No. 301, Cal. P.U.C. No. 1.)
-AND-)
For authority to depart from the)
terms of Section 454 and 491 of)
the Public Utilities Code when)
accomplishing such publication.)

Shortened Procedure
Tariff Docket
Application 83-08-10
(Filed August 2, 1983)

O P I N I O N

Kimkris Trucking Co., Inc., (Kimkris), seeks authority to publish an amendment to its commodity rates published in Item 639.5 in Pacific Coast Tariff Bureau (PCTB) Local Freight Tariff PCT 301, Cal. P.U.C. No. 1. Item 639.5 provides for rates on foodstuffs, suitable for human consumption, cereals, fruits, dried or evaporated and feed, animal, fish or poultry from Modesto to points in California up to 450 miles.

Kimkris proposes Note 7 to Item 639.5 as follows:

"7: When temperature control service is required for a portion of a shipment, or when chilled temperature control service is required for a portion of a shipment and frozen temperature control service is required for another portion of the shipment,

charges for the entire shipment will be computed as though the entire shipment were transported at the lowest temperature provided for any portion thereof. When weight deficiencies occur in a temperature control shipment, charges will be computed on the higher minimum weight rather than the actual weight of the shipment."

Kimkris states that the carrier transports numerous shipments of foodstuffs or groceries, in the 30,000- to 40,000-pound range, where only a small portion requires refrigeration, such as 2,000 or 3,000 pounds of candy.

Kimkris asserts that its present provisions in Rule 1910 of PCTB Exception Sheet for this type of movement are not compensatory and the proposal for publication in Tariff 301 will result in more equitable charges. If this application is approved, Note 7 of Item 639.5 would supersede a portion of Rule 1910 of PCTB Exception Sheet.

Kimkris avers that if the application is granted it would not increase the carrier's California intrastate gross revenue by as much as 1%.

Kimkris indicates that the proposal is not considered to be a major action significantly affecting energy within the meaning of Public Utilities (PU) Code Sections 3502.1 and 3502.2.

The application was listed on the Commission's Daily Calendar of August 5, 1983. No protest to the application has been received.

Findings of Fact

1. The increases resulting from this proposal are justified.
2. This proposal has no reasonably foreseeable impact on the energy efficiency of highway carriers.
3. The proposal will result in increasing applicant's California intrastate gross revenue by less than one percent.
4. A public hearing is not necessary.

Conclusion of Law

The application should be granted.

O R D E R

IT IS ORDERED that:

1. Pacific Coast Tariff Bureau (PCTB), Agent, on behalf of Kimkris Trucking Co., Inc., is authorized to amend PCTB Local Freight Tariff PCT 301, Cal. P.U.C. No. 1 by adding Note 7 to Item 639.5 as set forth in the body of this opinion.
2. Tariff publications authorized to be made as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than 5 days after the effective date of this order on not less than 5 days' notice to the Commission and to the public.

3. Kimkris Trucking Co., Inc., in establishing and maintaining the rates authorized by this order is authorized to depart from the provisions of PU Code Section 461.5 to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are modified only to the extent necessary to comply with this order and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

This order becomes effective 30 days from today.

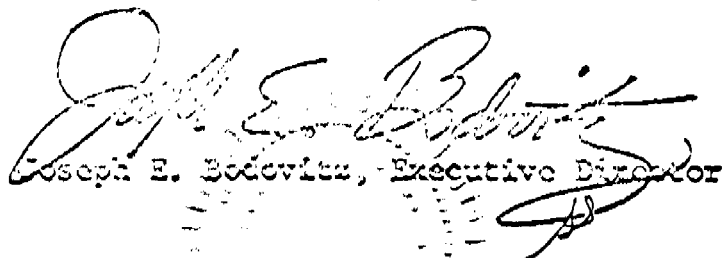
Dated NOV 22 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. CREW
WILLIAM T. BAGLEY
Commissioners

Commissioner Donald Vial, being
necessarily absent, did not
participate.

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


Joseph E. Bodovitz, Executive Director