

ORIGINAL

Decision No. 86622

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Kings County)
 Truck Lines for authority to)
 charge less than the minimum)
 rates heretofore established by)
 the Commission, as authorized)
 in Section 3666 of the Public)
 Utilities Code of the State of)
 California.)

Application No. 56637
 (Filed July 23, 1976)

OPINION AND ORDER

By this application Kings County Truck Lines, a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 for Meyenberg Milk Products, Inc., in connection with the transportation of ice milk mix from Ripon to Fullerton and the return transportation of empty milk cases and wooden pallets.¹

¹The present charges, exclusive of applicable surcharges, and the proposed charge for the transportation of the aforementioned commodities are:

	<u>Present Charges</u>	<u>Proposed Round Trip Charge</u>
From Ripon to Fullerton	(1)\$390.00	
From Fullerton to Ripon	(2)\$195.00	
Total Round Trip	\$585.00	\$492.00

- (1) Ice milk mix, minimum weight 30,000 pounds.
- (2) Mixed shipment of milk cases and wooden pallets, minimum weight 10,000 pounds.

The application is based on special circumstances and conditions detailed therein.

Revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The application was listed on the Commission's Daily Calendar of July 26, 1976. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this relief.

IT IS ORDERED that:


1. Kings County Truck Lines, a corporation, is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.

2. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

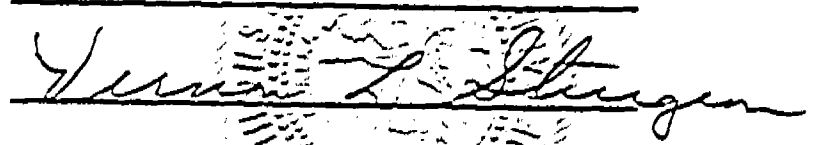
A. 56637 - HAH/jmw

The effective date of this order is the date hereof.
Dated at San Francisco, California, this 9th day
of November, 1976.

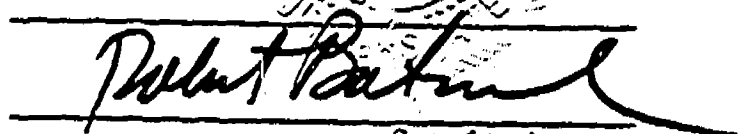
I will file a dissent
William Synovs, Jr.



President



Commissioner



Commissioners

Commissioner Leonard Ross, being
necessarily absent, did not participate
in the disposition of this proceeding.

A. 56637

APPENDIX A

Carrier: Kings County Truck Lines
Commodity: Ice milk mix (as described under the generic heading of dessert preparations, Item 72760 of the National Motor Freight Classification NMF 100-C).
From: Ripon
To: Fullerton
Commodities: Empty milk cases and wooden pallets returning.
From: Fullerton
To: Ripon
For: Meyenberg Milk Products, Inc.
Charge: \$492.00 per round trip

Conditions:

1. Shipments shall be prepaid by Meyenberg Milk Products, Inc.
2. All lumper charges are to be paid by the shipper.
3. Free time shall be allowed as follows:
Loading 1½ hours
Unloading 1½ hours
4. Excessive loading and unloading time shall be assessed at the rate of \$12.75 per hour or fraction thereof based on quarter hour intervals.
5. The aforementioned charge is not subject to the current surcharges provided in Minimum Rate Tariff 2.
6. Applicant has not indicated that subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the charge authorized herein without any deduction for use of applicant's trailing equipment.

A. 56637

7. In all other respects than those specified herein, Minimum Rate Tariff 2 rates and rules will be applicable.

(END OF APPENDIX A)

A. 56637 - D.

COMMISSIONER WILLIAM SYMONS, JR., Dissenting

This decision granting a deviation is defective for the reasons previously set forth in detail in my August 24, 1976, dissenting opinion to Decision Nos. 86274 through 86279. The decision is made effective immediately, and it contains the boiler-plate language which is becoming so common in these decisions:

"The application is based on special circumstances and conditions detailed therein."

and

"Revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates."

Thereby, the majority avoids setting forth any facts about the special circumstances of the transportation which a person might review to see if the deviation is justified.

San Francisco, California
November 9, 1976


WILLIAM SYMONS, JR.
Commissioner