

ORIGINAL

Decision No. 86700

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the applica-)
 tion of: GUTHMILLER TRUCKING,)
 INC. A CALIFORNIA CORPORATION,)
 for authority to deviate from)
 the minimum rates for the)
 transportation of beverages)
 and syrup, in glass or cans,)
 for ROYAL CROWN BEVERAGE)
 COMPANY, INC., between certain)
 points.)

Application No. 56612
 (Filed July 12, 1976
 and Amended October 6, 1976)

OPINION AND ORDER

By this application, Guthmiller Trucking, Inc., a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of beverages and syrup, in glass bottles or metal cans for Royal Crown Beverage Company, Inc., from Oakland to various points.¹

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

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

¹The minimum rates, exclusive of applicable surcharges, and the proposed rates in cents per 100 pounds for representative shipments of beverages and syrup in glass bottles or metal cans are:

From Oakland To	Present Rates	Proposed Rates
	Minimum Weight	Minimum Weight
	(1) 36,000 Pounds	
	(2) 40,000 Pounds	46,000 Pounds
Chico	91	63
Sacramento	68	43
Salinas	70	43

- (1)Applies on syrup.
- (2)Applies on beverages.

The application and amendment were listed on the Commission's Daily Calendars of July 13 and October 8, 1976, respectively. No objection to the granting of the amended application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. Applicant contemplates the use of driver-subhaulers with remuneration at 70 and 75 percent of the deviation rates sought based upon the type of trailing equipment furnished by applicant. While applicant has provided an analysis of a representative subhauler's cost, there is no indication that any one subhauler will actually experience such a cost. The provisions for the payment to subhaulers have not been justified and will not be authorized. The Commission will consider actual costs of subhaulers when they join in the application and submit same. A public hearing is not necessary.

The Commission concludes that the application, as amended, 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. Guthmiller Trucking, Inc., 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th day of November, 1976.

I will file absent.
William S. Jones, Jr.

Commissioner

President

~~*[Signature]*~~

[Signature]

Commissioners

[Signature]

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

Guthmiller Trucking, Inc., a corporation, is authorized to transport shipments of beverages in glass bottles or metal cans (as described in Item 72160 of the National Motor Freight Classification NMF 100-C) and syrup, flavoring or fruit, in packages (as described in Item 75170 of the National Motor Freight Classification NMF 100-C) for Royal Crown Beverage Company, Inc. at not less than the following rates:

<u>From Oakland</u> <u>To</u>	<u>Rates in Cents per 100 Pounds</u> <u>Minimum Weight 46,000 Pounds</u>
Brisbane	30
Chico	63
Fresno	58
Milpitas	30
Richmond	29
Sacramento	43
Salinas	43
San Jose	29
San Leandro	23
Santa Rosa	41
Stockton	37
Tracy	33

Conditions:

1. Rates not subject to surcharges.
2. Shipments must be power loaded by shipper and power unloaded by consignee without assistance of carrier.
3. No split delivery service to be accorded.
4. Applicant has indicated that subhaulers will be engaged. If subhaulers are employed, they shall be paid not less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
5. In all other respects, the rates and rules set forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)

A. 56612 - D.
GUTHMILLER TRUCKING, INC.

A. 56679 - D.
COMMERCIAL TRANSFER INC.

COMMISSIONER WILLIAM SYMONS, JR., Dissenting

These decisions granting deviations are defective for the reasons previously set forth in detail in my August 24, 1976, dissenting opinion to Decision Nos. 86274 through 86279. The decisions are made effective immediately, and they contain the boiler-plate language which is becoming so common in these decisions:

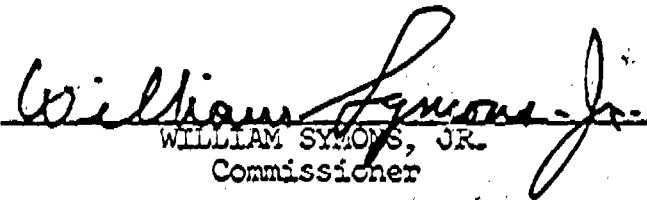
"The application is based on special circumstances and conditions detailed thereon."

and

"Revenue and expense data submitted by applicant indicate 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 30, 1976


WILLIAM SYMONS, JR.
Commissioner