

Decision No. 87314

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PAUL SIMON, doing business as SIMON  
TRUCKING, for authority to deviate  
from certain minimum rates pursuant  
to Section 3666 of the California  
Public Utilities Code for trans-  
portation performed for VONS  
GROCERY COMPANY, LUCKY MARKETS,  
INC., FAZIO'S, and RALPH'S GROCERY  
CO.

Application No. 56191  
(Filed January 9, 1976;  
amended January 27, 1977)

SECOND INTERIM OPINION

Applicant Paul Simon, doing business as Simon Trucking, was authorized by Decision No. 86486 dated October 13, 1976, as amended by Decision No. 87188 dated April 12, 1977, to deviate from minimum rates for the transportation of sugar for four shippers. The deviation is due to expire October 12, 1977. By the amendment to this application filed January 27, 1977 applicant seeks to include two additional shippers in the authorization, Thriftmart, Inc., 1837 S. Vermont Ave., Los Angeles, and Market Basket, 6014 South Eastern, Los Angeles. As justification for this request, applicant alleges that the reasons set forth in the original application filed January 9, 1976, which support the deviation for the four shippers therein involved, are equally applicable to the two additional shippers.

The California Trucking Association protested the original request and also protests the current request. The Commission staff believes the matter should be set for hearing. We have examined the application and find:

1. The two additional shippers are in a comparable position to the original four shippers and should be treated alike.

2. All six shippers are large food purveyors in the Los Angeles Basin Territory, and the point of origin for the sugar is the same for all six shippers.

3. The interim authority should be extended to include the two additional shippers as requested.

4. The authority should expire October 12, 1977.

5. This matter should be set for public hearing.

We conclude that the application should be granted to the extent provided in the following order. The order will be made effective on the date signed because there is no reason to delay granting the relief sought.

SECOND INTERIM ORDER

IT IS ORDERED that:

1. Paul Simon, doing business as Simon Trucking, is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 by charging those rates set forth in Appendix A of this decision. The authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

2. The authority granted shall expire October 12, 1977 unless sooner canceled, modified, or extended by order of the Commission.

3. Hearing in this matter shall be held before Examiner Porter on Monday, July 11, and July 12, 1977, at 10:00 a.m. in the Commission Courtroom, State Office Building, 107 South Broadway,

A.56191 kd

Los Angeles, California, at which time and place applicant and all interested parties may appear and be heard.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10th day of MAY, 1977.

I dissent as to the  
effective date -  
William Aguirre Jr

Commissioner

Robert Bateman  
President

Vernon L. Sturgeon  
Richard D. Chavall

Commissioners

APPENDIX A

Carrier: Paul Simon, doing business as Simon Trucking.

Commodity: Sugar, in packages.

Minimum Weight: 44,000 pounds.

Rate: 72 percent of the rates named in Item 740, Minimum Rate Tariff 2, but not less than 75 cents per cwt, subject to all applicable surcharges.

From: Spreckels Sugar Company, Spreckels.

To: Points within the Los Angeles Basin Territory as described in Item 270, Minimum Rate Tariff 2.

For: Vons Grocery Company  
Lucky Markets, Inc.  
Fazio's  
Ralph's Grocery Co.  
Thriftmart, Inc.  
Market Basket

Conditions:

1. If subhaulers are employed, they shall be paid not less than the rates authorized herein without any deduction for the use of applicant's trailing equipment.
2. Rates subject to loading by consignor at origin and unloading by consignee at destination without cost to carriers.
3. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.