

ORIGINAL

Decision No. 87588 July. 12, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of STEVENS TRANSPORTATION, INC.,)
doing business as COMMERCIAL)
TRANSPORT, a California corpora-)
tion, for authority under Section)
3666 of the Public Utilities Code)
of the State of California to)
deviate from the Minimum Rate)
Tariff 2 for the transportation)
of cotton balls, bandages, and)
gauze, in packages, for Colgate)
Palmolive Company.)

Application No. 56915
(Filed December 6, 1976)
(Amended April 11, 1977)

OPINION AND ORDER

Stevens Transportation, Inc., doing business as Commercial Transport, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of cotton balls, bandages and gauze in packages in mixed truckload shipments from Kendall Corporation, Merced, to Colgate-Palmolive Company, Berkeley.

The application and amendment are based on special circumstances and conditions detailed therein.

The application and amendment were listed on the Commission's Daily Calendar of December 7, 1976, and April 12, 1977, respectively. California Trucking Association (CTA) objected to the ex parte handling of the matter stating:

"Costs indicated for Owner-Operators are general in nature with lump sum totals furnished in the form of estimates of average costs per mile. No indication has been made as to the source of these figures. Also, it should be noted that no provision has been made for Owner-Operator labor costs, or any provision for a return on investment by the Owner-Operator. Also, applicant's own costs have not been included as a part of this application."

Applicant submitted revenue and expense data in its amendment to the application for itself and several subhaulers. Such data are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates.

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. The provisions for payment to subhaulers, S. J. Schneider (T-14,000) and Don Stein (T-102,959) will not be authorized because both parties have since transferred their permits to other individuals. 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 rate relief.

IT IS ORDERED that:

1. Stevens Transportation, Inc. is authorized to perform the transportation shown in Appendix A attached hereto and 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 canceled, 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 12th day of JULY, 1977.

I dissent.
William Lyons, Jr.

Robert Batmancel

President

Vernon L. Sturgeon

Clarence D. Groat

Commissioners

Commissioner CLAIRE T. DEDRICK did not participate in the disposition of this proceeding.

APPENDIX A

Stevens Transportation, Inc. is authorized to transport cotton balls, bandages and gauze in packages at \$1.95 per 100 pounds, based on a minimum weight of 10,000 pounds per shipment for Colgate-Palmolive Company from Merced to Berkeley subject to the following conditions:

1. Applicant has indicated that subhaulers will be engaged. If K. E. Clark (T-108,894); Larry Frantzich (T-105,954); Steve Kelsoe (T-113,552); Wes Rudolf (T-82,351) and Dave Ruxton (T-115,151) are employed as subhaulers, they shall be paid no less than \$1.10 per actual mile operated. If any other subhaulers are employed, they shall be paid no less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
2. In all other respects, the rates and rules set forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)