

Decision No. 88067 NOV 1 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
)
 JESS'S TRUCKING, INC. for authority)
 to depart from the minimum rates,)
 rules and regulations of Minimum)
 Rate Tariff No. 2, pursuant to the)
 provisions of Section 3666 of the)
 Public Utilities Code, for the)
 transportation of glass containers)
 from Oakland and Los Angeles to)
 Fresno for Pepsi-Cola Co.)

Application No. 57536
 (Filed August 24, 1977)

OPINION AND ORDER

By this application, JESS'S TRUCKING, INC., a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of glass containers for Pepsi-Cola Co. from Oakland and Los Angeles to Fresno.¹

The application is based on special circumstances 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.

The application was listed on the Commission's Daily Calendar of August 26, 1977. No objection to the granting of the application has been received.

¹ The present minimum rates and the proposed rates in cents per 100 pounds for representative shipments of glass containers from the following points to Fresno are:

<u>From</u>	<u>Present Rates</u> <u>Minimum Weight</u> <u>30,000 Pounds</u>	<u>Proposed Rates</u> <u>Minimum Weight</u> <u>36,000 Pounds</u>
Oakland	109	80
Los Angeles	132	114

Applicant has, at present, a deviation authority under SDD-636 which authorizes the transportation of glass containers for Pepsi-Cola Co. from Tracy and Pomona to Fresno.

Applicant has another deviation authority granted by Decision 87764 dated August 23, 1977 in connection with the transportation of shipments of glass containers for the Brockway Glass Company from Oakland to Fresno, Modesto, Sacramento, Stockton and Tulare, and from Pomona to Fresno, Modesto, Stockton, and Tulare.

Applicant states it would have included the proposed deviation in the previous application granted by Decision 86212, extended by SDD-612 and amended by SDD-636 had it known at that time that Owens-Illinois plants at Los Angeles and Oakland are also used as alternate sources of supply for Pepsi-Cola Co.

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 rate relief.

IT IS ORDERED that:

1. JESS'S TRUCKING, INC. 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 1st
day of NOVEMBER, 1977.

I dissent.
William Lyons, Jr.

Robert Bateman
President

Vernon L. Sturgeon
Richard B. Gwalt
Clair L. Deibel
Commissioners

APPENDIX A

Carrier: JESS'S TRUCKING, INC.

Commodity: Glass Containers

For: Pepsi-Cola Co.

To: Fresno

	<u>Rates in Cents per 100 Pounds</u>
From: Oakland	80
Los Angeles	114

Minimum
Weight: 36,000 pounds

Conditions:

1. Shipments shall be power loaded and power unloaded without assistance of, or expense, to the carrier.
2. When Bruce A. Wilkinson, doing business as Wilkinson Trucking, Permit No. T-102,915, is requested to perform this transportation service as a subhauler, he shall be paid no less than seventy-five percent (75%) of the gross revenue without any deduction for use of applicant's trailing equipment. If any other subhauler is employed, he shall be paid no less than one hundred percent (100%) of the rates authorized herein for the applicant without any deduction for use of applicant's trailing equipment.
3. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)