

ORIGINAL

Decision No. 88201 DEC 6 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Richard R. Zamar, doing bus-)
iness as R. Z. TRANSPORT for)
authority to depart from the)
minimum rates, rules and reg-)
ulations of Minimum Rate Tariff)
No. 2, pursuant to the pro-)
visions of Section 3666 of the)
Public Utilities Code for)
transportation for PAUL MASSON)
VINEYARDS.)

Application No. 57434
(Filed July 8, 1977)

OPINION AND ORDER

By this application, Richard R. Zamar, doing business as R. Z. Transport requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of glass containers for Paul Masson Vineyards from San Jose, Hayward, Oakland, Tracy and Antioch to Saratoga.¹

Applicant has informed the Commission by letter dated October 19, 1977 that he has converted his business from a proprietorship to a corporation. His radial highway common carrier permit will be amended to show the new corporate name, viz: R. Z. Transport Incorporated.

¹ The present charges and the proposed charges for representative shipments of glass containers to Saratoga are:

<u>From</u>	<u>(1) Present Charges</u>	<u>Proposed Charges</u>
San Jose	\$149.25	\$ 75.00
Hayward	182.85	105.00
Oakland	204.45	122.00
Tracy	215.25	156.00
Antioch	236.85	189.00

(1) Based on class 35 rating and 30,000 pounds minimum weight.

Applicant states that it has been serving the involved shipper for a number of years. As this transportation involves regular and consistent movements, certain procedures have been established which resulted in efficiencies and economies not generally present in the usual transportation performed by other carriers. Such efficiencies and economies are derived by less waiting time involved at origin or destination and better loading and unloading methods.

Applicant avers that because of the specialized method of handling the traffic, it is required to provide the shipper with experienced personnel. In view of the applicant providing such careful handling it can boast of no claim having been filed by Paul Masson Vineyards with applicant for a lost or damaged shipment during the past year. It is anticipated that over 400 loads will be transported annually under the proposed deviation.

Applicant indicates in its Exhibit C to the application that because of the short distances involved between origins and destination it does not require applicant to include backhauls in order to render the operations profitable at the proposed charges. Upon analysis of applicant's costs the Commission finds this statement to be true and correct as stated.

The application was listed on the Commission's Daily Calendar of July 11, 1977. California Trucking Association (CTA) objected to the ex parte handling of the matter. CTA's protest deals with the applicant possessing only a radial highway common carrier permit which it deems inadequate to conduct the operations on a regular basis and between fixed termini. In view of the passage of Senate Bill No. 860 which would remove the classification of radial highway common carrier, effective January 1, 1978, this question would become moot.

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. Applicant contemplates the use of subhauler Guillermo C. Guillen, doing business as Guillen & Son Trucking, T-98,990, with remunera-

tion at 75 percent of the deviated rates. Applicant has provided an analysis of subhauler's costs. The provision for the payment to subhauler Guillermo C. Guillen has been justified and will be authorized. 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. R. Z. Transport Incorporated, 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 6th day of DECEMBER, 1977.

I dissent.
William Lyons, Jr.

Robert Robinson
President

James L. Strangman
Richard W. Howell
Clare T. Pedriali
Commissioners

APPENDIX A

Carrier: R. Z. Transport Incorporated
 For: Paul Masson Vineyards
 Commodity: Glass containers (Bottles, Carboys, Demijohns or Jars,
 NOI as described in Item 87700, National Motor Freight
 Classification, NMF 100-D)
 To: Paul Masson Vineyards' plant at Saratoga

<u>From</u>	<u>Charges per Trip</u>
San Jose	\$ 75.00
Hayward	105.00
Oakland	122.00
Tracy	156.00
Antioch	189.00

Conditions:

1. Each unit of carrier's equipment providing this service shall consist of a 2-axle tractor and two flatbed trailers.
2. Split pickup or split delivery service shall not be applicable to these rates.
3. Shipments shall be loaded by shipper and unloaded by consignee without assistance of, or expense to, the carrier.
4. Freight charges shall be prepaid by Paul Masson Vineyards.
5. If subhauler Guillermo C. Guillen, T-98,990, is employed, he shall be paid no less than 75 percent of the charges authorized herein without any deduction for use of applicant's trailing equipment. If other subhaulers are employed, they shall be paid not less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
6. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)