

Decision No. 88290 DEC 20 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
tion for the purpose of consid- )  
ering and determining minimum )  
rates for transportation of any )  
and all commodities statewide )  
including, but not limited to, )  
those rates which are provided )  
in Minimum Rate Tariff 2 and the )  
revisions or reissues thereof. )

Case No. 5432  
Petition for Modification  
No. 999  
(Filed November 16, 1977)

OPINION AND ORDER

Mike Conrotto Trucking, a corporation, operates as a highway common carrier. By this petition, it seeks authority to publish rates which are less than the Commission's established minimum rates for the transportation of styrofoam boxes from Salinas to Holtville and Oxnard.<sup>1</sup>

Petitioner states that the aforementioned commodity is now being hauled by proprietary means, with proprietary equipment being deadheaded back to Salinas.

Petitioner asserts that this transportation would comprise a completely new business never before hauled by any regulated carrier; and it would serve as a backhaul for the petitioner subsequent to the existing transportation of fresh fruits and vegetables and wine.

Petitioner declares that it needs to get its refrigerated equipment back to the origin during the produce seasons. This movement appears to be difficult under normal circumstances, however, the granting of the requested authority would afford petitioner the opportunity to complete the round trip movement on its refrigerated equipment.

Petitioner avers that because of the commodity's light weight, it is loaded and unloaded by hand by the shipper or receiver with the help of the driver.

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<sup>1</sup> Petitioner's rates are set forth in its Local Freight Tariff No. 1, Cal. P.U.C. No. 1.

Petitioner claims that said commodity moves seasonably related to the produce seasons and it will average 10 loads per week.

The petition was listed on the Commission's Daily Calendar of November 17, 1977. California Trucking Association (CTA) protested the ex parte consideration of the application stating that the relief sought is for a single designated shipper which is clearly discriminatory and prohibited by law.

The order which will follow will not restrict the tariff publication to identify a single shipper. The authority will provide for the establishment of the rates sought from a defined point of origin and will enable the carrier to serve any shipper in the origin area who provides the carrier with the transportation conditions upon which the authority is based.

Revenue and expense data submitted by the petitioner 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:

1. The commodity is loaded and unloaded by hand by the shipper or receiver with the help of the driver.
2. There will be an average of 10 loads per week and the commodity moves seasonably related to the produce seasons.
3. Presently the commodity is being hauled by the shipper, using its own equipment.
4. Petitioner needs this authority to serve as a backhaul for the return of its refrigerated equipment.
5. This transportation would comprise a completely new business never before hauled by any regulated carrier, and it would save energy because it serves as a backhaul for petitioner in lieu of the dead-heading by the shipper on the return haul.
6. The needs of commerce and the public interest require that the proposed rates be established.

7. The proposed rates are reasonable and justified by transportation conditions.

8. Increases which may result in the event the proposed rates should expire with December 31, 1978, are justified.

The Commission concludes that the petition should be granted to the extent indicated 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. A public hearing is not necessary.

IT IS ORDERED that:

1. Mike Conrotto Trucking, a corporation, is authorized to publish and file in its Local Freight Tariff No. 1, Cal. P.U.C. No. 1 to expire with December 31, 1978, rates for the transportation of styrofoam boxes as set forth, and subject to the conditions specified, in Appendix A attached hereto and by this reference made a part hereof.

2. Tariff publications authorized to be made as a result of the order herein may be made effective on five days' notice to the Commission and to the public.

3. Mike Conrotto Trucking, a corporation, is authorized to depart from the provisions of Section 461.5 of the Public Utilities Code in establishing and maintaining the rates authorized herein. Schedules containing the rates published under this authority shall make reference to this order.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20th day of DECEMBER, 1977.

*I dissent.*  
*William Lyons, Jr.*

*Robert Batistich*  
\_\_\_\_\_  
President

*George L. Sturgeon*  
\_\_\_\_\_  
*Richard D. Howell*  
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Commissioners  
Commissioner Claire T. Dedrick, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

APPENDIX A

Carrier: Mike Conrotto Trucking

Commodity: Styrofoam boxes (Item 157320 Sub 9, National Motor Freight Classification, NMF 100-D)

From: Salinas

To: Holtville and Oxnard

Rates: Salinas to Holtville - \$ .12 per box  
(lettuce box)

Salinas to Oxnard - \$ .15 per box  
(celery box)

Conditions:

1. The above rates are based upon truckload lots filled to full visible capacity.
2. Shipments are loaded by shipper and unloaded by receivers with the help of the driver.

(END OF APPENDIX A)