

ORIGINAL

Decision No. 88630 MAR 21 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of GARY SCANNAVINO, dba CHEROKEE)
 FREIGHT LINES for authority to)
 depart from the provisions of)
 MRF 2 in connection with the trans-)
 portation of granulated sugar, in)
 bulk, between the facilities of)
 Amstar Corporation, Spreckels)
 Sugar Division, at Spreckels,)
 Manteca, Mendota and Woodland,)
 California.)

Application No. 57816
 (Filed January 19, 1978)

OPINION AND ORDER

By this application, Gary Scannavino, doing business as Cherokee Freight Lines (Cherokee), requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of granulated sugar, in bulk, for Amstar Corporation, Spreckels Sugar Division (Spreckels) between Spreckels' facilities at Spreckels, Manteca, Mendota and Woodland.¹

By Decision 88198 dated December 6, 1977, applicant was granted authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of granulated sugar in bulk for Amstar Corporation from Manteca to Los Angeles County points, Colton and Corona.

¹ The present minimum rates and the proposed rates, in cents per 100 pounds, for 52,000 pound shipments of granulated sugar in bulk between the following points are:

	<u>Spreckels</u>		<u>Manteca</u>		<u>Woodland</u>	
	<u>Present</u> <u>Minimum</u> <u>Rate</u>	<u>Proposed</u> <u>Rate</u>	<u>Present</u> <u>Minimum</u> <u>Rate</u>	<u>Proposed</u> <u>Rate</u>	<u>Present</u> <u>Minimum</u> <u>Rate</u>	<u>Proposed</u> <u>Rate</u>
Manteca	66	46				
Woodland	83	56	49	33		
Mendota	62	41	59	39	83	56

- Applicant presently transports the involved commodity for the shipper assessing rail rates pursuant to the alternative application provisions in Minimum Rate Tariff 2.

Applicant states this application is based on the following facts and circumstances: that Spreckels anticipates shortages of refined sugar at several of its factories due to weather conditions and will have to supplement the individual factory's supply of refined sugar by bulk shipments from other factories; that the expected overall inter-factory movement during calendar 1978 will consist of several hundred truckloads; and, that Cherokee can reasonably expect to handle at least 100 truckloads of bulk sugar between plants.

Applicant further states: that judging by applicant's prior experience, the transportation at the requested rates will be profitable; that Cherokee will utilize its own tractor equipment and personnel, and subhaulers will not be used; that the trailers to be utilized are the shippers; and, that the rates, minimum weight and other provisions of the proposed deviation will allow Cherokee to perform a logical extension of its present service to the shipper at a reasonable cost and with the greatest degree of flexibility and efficiency for both the carrier and shipper.

The application was listed on the Commission's Daily Calendar of January 23, 1978. No objection to the granting of the application has been received.

The Commission finds that the authority requested is similar to other authorities previously granted by the Commission to other carriers and to applicant for transportation of bulk sugar; and, revenue and expense data submitted by applicant indicate that the transportation involved may be expected to be profitable under the proposed rates.

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. Gary Scannavino 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 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 21st day of MARCH, 1978.

Robert Bateman
President
William Lynne Jr.
Vernon L. Sturgeon
Charles D. Givelle
Clair T. DeLoach
Commissioners

APPENDIX A

Carrier: Gary Scannavino, dba Cherokee Freight Lines
Commodity: Granulated sugar, in bulk.
For: Spreckels Sugar Division, Amstar Corporation.
Rates: (In Cents per 100 Pounds)

<u>Between</u>	<u>Spreckels</u>	<u>Manteca</u>	<u>Woodland</u>
Manteca	46	--	--
Woodland	56	33	--
Mendota	41	39	56

Minimum Weight: 52,000 pounds per truckload

Conditions:

1. Transportation will be performed by carrier using only carrier's tractor and driver, with Spreckels Sugar furnishing the trailers.
2. Shipments shall be loaded and unloaded without expense to the carrier.
3. Three (3) hours are allowed for loading and unloading each truckload. Any time in excess of three (3) hours will be charged for at the rate of Five Dollars (\$5.00) per one-quarter (1/4) hour or fraction thereof.
4. Applicant has indicated that subhaulers will not be engaged. Therefore, if subhaulers are employed they shall be paid no less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
5. In all other respects the rates and rules in Minimum Rate Tariff 2 shall apply, except that surcharge provisions shall not apply.

(END OF APPENDIX A)