

Decision No. 89040

JUN 27 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of KINGS COUNTY TRUCK )  
 LINES for authority to charge less )  
 than the minimum rates for the )  
 transport of foodstuff for Baskin- )  
 Robbins Ice Cream, as authorized )  
 in Section 3666 of the Public )  
 Utilities Code of the State of )  
 California. )

Application No. 58060  
 (Filed May 9, 1978)

OPINION AND ORDER

By this application Kings County Truck Lines, a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of cocoa, chocolate, chocolate coating, candy, confectionery, confectionery paste, flavoring syrup, crushed or preserved fruit and ice cream or dessert sauces or toppings for Baskin-Robbins Ice Cream Company from Burlingame, Modesto, San Francisco and South San Francisco to Burbank.

Applicant is presently transporting frozen ice cream for Baskin-Robbins Ice Cream Company from Burbank to all the Baskin-Robbins Ice Cream Stores on Highway No. 101 from Santa Barbara to Santa Rosa and on Highway No. 99 from Bakersfield to Redding plus Visalia and Lemoore and along Interstate Route No. 80 to Reno, Nevada.

Applicant declares it frequently returns to Baskin-Robbins, Burbank empty in order to meet the schedules for the northbound traffic. The approval of this application would help to complete the round-trip assuring it of a regular backhaul.

Applicant contends that if this proposal is denied, the shipper would divert the traffic to its proprietary transportation and that a substantial volume of traffic would be lost.

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be

profitable under the proposed rate.

The application was listed on the Commission's Daily Calendar of May 10, 1978. No objection to the granting of the application has been received.

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. Kings County Truck Lines 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 27th day of JUNE, 1978.

\_\_\_\_\_  
President  
*William Squone Jr.*  
\_\_\_\_\_  
*Terrence L. Shugan*  
\_\_\_\_\_  
*Richard D. Howell*  
\_\_\_\_\_  
*Clair J. LeVial*  
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

Carrier: Kings County Truck Lines  
 Shipper: Baskin-Robbins Ice Cream Company, Burbank  
 From: Burlingame, South San Francisco, San Francisco  
 and Modesto  
 To: Burbank  
 Commodities: Cocoa (Item 72520)  
 Chocolate (Item 39990)  
 Chocolate coating and coating other than  
 chocolate (Item 40015)  
 Candy or Confectionery (Item 39970)  
 Miniature marshmallows (Item 40085)  
 Confectionery Paste (Item 39940)  
 Flavoring syrup (Item 75170)  
 Fruits, crushed or preserved, in  
 syrup (Item 73240)  
 Sauces or Toppings, Ice Cream or Dessert  
 (Item 74700)

The aforementioned item numbers are derived from  
 National Motor Freight Classification, NMF 100E.

	<u>From</u>	<u>To</u>	<u>Charge Per Shipment</u>
Charges:	Burlingame	Burbank	\$347.00
	South San Francisco	"	347.00
	San Francisco	"	347.00
	Modesto	"	283.00

Minimum  
 Weight: 45,000 pounds

Conditions:

- Free time for loading shall be 1½ hours. A charge of \$15.00 per hour shall be assessed for any time in excess thereof, computed at the rate of one quarter of an hour interval or \$3.75 for each 15 minutes.
- The entire shipment must be loaded in one unit of equipment and must not exceed 45,000 pounds.

3. When a shipment from the Bay Area is combined with a shipment from Modesto the higher flat charge of \$347.00 shall apply for the entire shipment.
4. Applicant has not indicated that subhaulers will be engaged nor have any costs of subhaulers been submitted. 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 set forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)