

ORIGINAL

Decision No. 89346 SEP 6 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MELVIN A. DEAILE,)
dba DEAILE TRUCKING, for author-)
ity to deviate from minimum rates)
for the transportation of Chico-)
ite for Excel Mineral Co., at)
Taft and McKittrick, California.)

Application No. 58119
(Filed June 6, 1978)

OPINION AND ORDER

Applicant, Melvin A. Deaile, doing business as Deaile Trucking, requests authority to deviate from the minimum rates prescribed in Minimum Rate Tariff 2 for the transportation of chicoite (absorptive clay) from Excel Mineral Co., at Taft and McKittrick to Sacramento.

Applicant by Decision 88686, as amended by Decision 89031, was granted authority to assess a less-than-minimum rate for the transportation of chicoite from Excel Mineral Co., Taft and McKittrick, to the San Francisco Territory.

Chicoite is subject to a class rating of 35.4 minimum weight 40,000 pounds, pursuant to Item 48115 of the National Motor Freight Classification 100E and Item 1030, Exception Ratings Tariff No. 1. The present rate for the transportation is 76 cents per cwt, plus applicable surcharges. Applicant proposes a rate of 64 cents per cwt subject to a minimum weight of 48,000 pounds, plus a 14 percent surcharge (equivalent to a rate of 73 cents per cwt).

The application was listed on the Commission's Daily Calendar of June 9, 1978. California Trucking Association protested the application stating:

"It also should be noted that Applicant has not indicated any shipper support of this filing. From the information furnished, it is uncertain whether Applicant has made any provision for deadhead miles from his terminal at Fresno to the loading points at McKittrick and Taft, and from final point of destination to a loading point for a return load. Also, because of the time factors involved, it is not clear whether any provision is needed for drivers' layover expenses."

Applicant has supplied a letter of support, has served a copy of his application on Smith Transportation and has responded to the CTA protest as follows:

"Also, in regard to the California Trucking Association letter, dated June 7, 1978 (sic), there are a few questions I wish to answer in section IV. The Association is questioning (sic), the 'provision for deadhead miles' and the provision for 'driver's layover expenses'. Our trucks, when picking up a load for Excel Mineral Co., are already returning from a delivery in the Los Angeles or Bakersfield area. They load one day and deliver the next, thus eliminating any need for the drivers to lay over."

Revenue and cost data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

In the circumstances, the Commission finds that the applicant's proposal is reasonable. A public hearing is not necessary. For the purpose of simplicity, the authority granted by Decision 88686, as amended by Decision 89031, should be consolidated with the granting of this application as set forth in the ensuing order.

IT IS ORDERED that:

1. Melvin A. Deaile, doing business as Deaile Trucking, is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof.
2. The authority granted by Decision 88686, as amended by Decision 89031, is cancelled.
3. The authority granted shall expire one year after the effective date of this order unless sooner canceled, modified, or extended by further order of the Commission.

A. 58119 - avm/FS

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th
day of SEPTEMBER, 1978.

I dissent;
William J. Lyons

Robert B. Brown
President

Veron L. Stanger
Robert C. Howell

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

Commodity: Chicoite as described in Item 48115, National Motor Freight Classification 100-E.

Shipper: Excel Mineral Company.

From: Taft and McKittrick.

To: (a) San Francisco Territory (b) Sacramento
(as described in Item 270-3
of Minimum Rate Tariff 2).

Rate: (a) 74 cents per 100 pounds (b) 73 cents per 100 pounds

Minimum Weight: 48,000 pounds per unit of carrier's equipment.

Conditions:

1. Loaded by shipper.
2. Two hours will be allowed for loading and three hours for unloading. The charges for excess loading time will be as provided in Item 145 of Minimum Rate Tariff 2 for each additional one-half hour.
3. Split deliveries, not exceeding three, may be made with charges to be assessed as provided in Item 173 of Minimum Rate Tariff 2.
4. Any costs accrued for service provided during unloading operations shall be paid for by the shipper (Excel Mineral Co.).
5. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.
6. 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.

(END OF APPENDIX A)