

ORIGINAL

Decision No. 89451 OCT 3 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SMITH TRANSPORTA-)	
TION COMPANY, a corporation, for)	
authority to deviate from the)	
provisions of MRT-2, on trans-)	Application No. 58271
portation of Chicoite for Excel)	(Filed August 2, 1978)
Mineral Company, Inc., from)	
McKittrick and Taft to Los)	
Angeles Metropolitan Zones.)	

OPINION AND ORDER

Smith Transportation (Smith), a California corporation, operates as a highway common carrier and a highway contract carrier. By this application, it seeks authority to deviate from the provisions of Minimum Rate Tariff 2 for the transportation of chicaoite, a clay product, in paper bags, on pallets, from McKittrick and Taft to the Metropolitan Los Angeles Area (Metropolitan Zones 201 through 262) for Excel Mineral Company (Excel).

In Application 58297, filed August 16, 1978, Smith is requesting that its highway common carrier certificate be amended to except therefrom transportation of the following:

"Chicoite, see Note, in bags or boxes; Truckload.
 NOTE: Applies only on a natural earth product containing not less than 73 percent silica and not more than 10 percent alumina, having value for its absorptive properties." National Motor Freight Classification 100-E, Item 48115.

Applicant states that it is presently hauling 35 to 60 loads per month for Excel which are being delivered to one of some 20 regular customers in the Metropolitan Los Angeles Area. Smith's driver, from the Bakersfield terminal, spots the equipment to be loaded at Excel's loading dock at either McKittrick or Taft. When the trailers have been power loaded by shipper, Smith is contacted to dispatch a driver to shipper's plant to hook up the power to

the trailers for delivery. Smith further states: (a) that because of the efficient shipping procedures employed by Excel, delays in loading have been minimized, and, (b) at the destination points, all of the customers except two power unload the shipments. The two customers that do not power unload provide assistance in unloading. Thus, delays are rare or nonexistent.

Applicant alleges a potential for more traffic in the future than it is presently transporting, since production of this commodity was slowed by the unusual amount of rainfall earlier this year. The commodity is of low value, is unique to California and to the origin points mentioned in the application, and has been transported by applicant without any claims for damage. Applicant also cites the fact that the outbound movement of freight from the Los Angeles Basin is very heavy and the return movement is light, requiring equipment in some cases to return to Los Angeles empty. This imbalance in service would be reduced by using the movement of chicoite as a backhaul.

The application was listed on the Commission's Daily Calendar of August 7, 1978. No objection to the granting of the application has been received.

The Commission has heretofore granted similar authority to Melvin A. Deaile, doing business as Deaile Trucking, by Decision 84288, as amended by Decisions 85104, 85762 and 88686 for the movement of this commodity from Taft and McKittrick to the San Francisco Bay Area at a comparable rate considering the difference in distances.

Revenue and cost data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rate. A public hearing is not necessary. The Commission concludes that the application should be granted concurrently with that in Application 58297.

IT IS ORDERED that:

1. Smith Transportation Company, 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 rate set forth herein.

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 3rd
day of OCTOBER, 1978.

Robert B. Berman
President
William J. ...
Vernon L. ...
Robert W. ...
Clare J. ...
Commissioners

Carrier: Smith Transportation, Inc.
Commodity: Chicoite, as described in Item 48115, National Motor Freight Classification 100-E.
Shipper: Excel Mineral Company, Inc.
Origin: McKittrick
Taft
Destination: Los Angeles Metropolitan Region Metropolitan Zones 201 through 262.
Minimum Weight: 48,000 pounds.
Rate: 63 cents per 100 pounds.

Conditions:

1. Equipment must be spotted at the shipper's facility at either McKittrick or Taft, and must be power-loaded by the shipper. When units are completely loaded Smith Transportation shall be contacted for dispatch of a driver to the shipper's plant when units are fully loaded.
2. Consignee must power unload shipments or assist in unloading.
3. 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 not less than the rate authorized herein without any deduction for use of applicant's trailing equipment.
4. In all other respects, the rates and rules set forth in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)