

Decision No. 89650 NOV 9 1978

MINIMUM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MELVIN A. DEAILLE,)
dba DEAILLE 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. 58337
(Filed September 5, 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 the Metropolitan Los Angeles Area.

Applicant by Decision 89346 was granted authority to assess a less-than-minimum rate for the transportation of chicoite from Excel Mineral Co., Taft and McKittrick, to Sacramento and 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 100-E and Item 1030, Exception Ratings Tariff 1. The present rate for the transportation is 76 cents per 100 pounds, plus applicable surcharges. Applicant proposes a rate of 50 cents per 100 pounds subject to a minimum weight of 48,000 pounds, plus a 25 percent surcharge (equivalent to a rate of 63 cents per 100 pounds).

The application was listed on the Commission's Daily Calendar of September 6, 1978. California Trucking Association (CTA), by letter dated November 3, 1978, objected to the ex parte consideration of the application citing an apparent inconsistency between this application and Application 58119. CTA's objection appears to be based upon a misinterpretation of applicant's statement "a major part" to mean a majority. Applicant merely indicated substantial backhaul traffic.

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 89346 should be consolidated with the granting of this application as set forth in the ensuing order. 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. 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 89346 is cancelled.
3. The authority granted 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 9th
day of NOVEMBER, 1978.

Robert Barriam
President
William Lyons, Jr.
Thomas L. Sturgeon
Richard D. Gwede
Clair T. DeBrie
Commissioners

APPENDIX A

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

Shipper: Excel Mineral Company.

From: Taft and McKittrick.

<u>TO</u>	<u>RATE PER 100 POUNDS</u>
San Francisco Territory (MZ 101 through 130)	74 cents
Sacramento	73 cents
Metropolitan Los Angeles Area (MZ 201 through 262)	63 cents

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. 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.
6. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)