

HEC/ME/FS

Decision No. 89881

JAN 16 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of General Produce Transport,)
Inc., a corporation, for authority)
to depart from rates, rules and)
regulations of Minimum Rate Tariff)
No. 2 in connection with certain)
transportation of commodities re-)
quiring frozen temperature control)
service to be performed for Green)
Giant Co. under provisions of)
Section 3666 of the Public Utili-)
ties Code.)

Application No. 58527
(Filed December 14, 1978)

OPINION AND ORDER

By this application, General Produce Transport, Inc., a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 for transportation of frozen foods for the account of Green Giant Co., Watsonville.

Applicant states, that Green Giant proposes to do the loading of all trailers at its Watsonville facility. For example, applicant will spot empty trailers for Green Giant to load, and return later to pick up the loaded trailers. This will allow applicant to obtain better utilization of drivers and tractors for his terminal operations.

Applicant requests authority to reduce his transportation charge by the amount of the loading costs assumed by Green Giant. Additional savings accrue to both shipper and carrier through more efficient scheduling of personnel and equipment. A similar application (A. 58462 - Central Coast Truck Service, Inc.) cites the same transportation savings and seeks equal treatment on their application.

The staff has reviewed the applicant's exhibit detailing the reductions in rates being sought. The proposal and results, as defined, are reasonable and based on the data submitted by applicant the transportation involved may reasonably be expected to be

compensatory under the proposed rates. However, the staff questions the method and requests that any renewal application in this matter include a cost study of the actual performance of the movement.

The application was listed on the Commission's Daily Calendar of December 18, 1978. No protest 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. General Produce Transport, Inc., 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 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.
3. If a renewal of this deviation is sought, applicant shall provide the Commission cost data based on the actual experience of providing the service.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th day
of JANUARY, 1979.

Robert B. Brown
President
Richard D. ...
Clare J. ...

Commissioners

APPENDIX A

CARRIER: GENERAL PRODUCE TRANSPORT, INC.

SHIPPER: GREEN GIANT CO., WATSONVILLE

Commodities requiring "Frozen Temperature Control Services", in boxes or packages, as follows:

Food, prepared, frozen: Dinners or Pies; Fruits (including berries), fresh frozen; Fruits, Berries or Vegetables, prepared, frozen; Meat, frozen, in packages or bins; Vegetables, fresh or green, frozen; as described in Item 351 of Minimum Rate Tariff 2.

Section I

Rates:

Except as provided in Section II below, General Produce Transport, Inc. is authorized to transport the above described commodities for Green Giant Co., from Watsonville to points in California at the rates and rules set forth in Minimum Rate Tariff 2 except that Items 200 through 241 of Minimum Rate Tariff 2 shall not apply.

Section II

Application of Rates and Conditions:

1. When the above described service is provided, rates named in Minimum Rate Tariff 2 through application of Item 351 thereof shall be decreased by sixteen (16) cents per 100 pounds when shipments weighing 36,000 pounds or more are loaded into one unit of carrier's equipment by the consignor without expense to carrier under the following circumstances:
 - a. Loading shall be performed by the consignor when the carrier's equipment is a trailer or semitrailer left for loading by the consignor without the assistance of carrier personnel or expense to the carrier.
 - b. Shipments will be tendered to carrier under "Shipper's Load, Count and Seal", and the bill of lading will be so annotated.
 - c. The bill of lading will contain a notation by shipper as follows: "loaded into carrier's equipment by consignor without the presence of carrier's employees".

2. The base rate per 100 pounds and charges arrived at after deduction of sixteen (16) cents per 100 pounds shall then be subject to all applicable surcharges and shall then be increased for frozen temperature control service by the amount provided for in Items 185 and 187 of Minimum Rate Tariff 2. Rates and charges apply to each unit of carrier's equipment furnished.

3. On any shipment where a subhauler is used to provide the services covered by this item, subhaulers will be compensated on the basis of the applicable minimum rate without the allowance provided herein. No deduction from subhauler revenues greater than that ordinarily applicable to carrier's regular subhauling arrangements shall be made.

4. The rates herein authorized shall not be applicable to any transportation General Produce Transport, Inc. is authorized to perform as a highway common carrier.

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

(END OF APPENDIX A)