

Decision No. 90123 ? MAR 27 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of KINGS COUNTY)
TRUCK LINES for authority to)
depart from the rates, rules and)
regulations of Minimum Rate)
Tariff 2 in the transportation)
of foodstuff for Safeway Stores,)
Inc. under the provisions of)
Section 3666 of the Public)
Utilities Code.)

Application No. 58612
(Filed January 22, 1979)

OPINION AND ORDER

By this application, Kings County Truck Lines seeks to deviate from the provisions of Minimum Rate Tariff 2 (MRT 2) when transporting dairy products from San Leandro to Sacramento and returning with empty pallets or milk cases and/or distilled water for Safeway Stores, Inc. Applicant proposes to charge a flat rate per round trip from \$246 to \$232 per trip varying with the number of trips per week.

Applicant states that one hour free time for loading at San Leandro and two hours free time for unloading and loading at Sacramento, and one hour for unloading at San Leandro will be allowed. Excessive time for loading or unloading will be charged at \$20.86 per hour, figured on quarter-hour intervals. Power loading and unloading is performed by consignee and consignor. A minimum of four round trips per week is required to qualify for the deviated rate.

Applicant as justification for the authority states the following:

- "1. There is now and in the future there will continue to be a substantial movement of traffic of the kind described in this application.
- "2. The rates and charges proposed for the transportation described in this application will be reasonable for the service rendered and will return to Applicant its full cost of rendering the service, plus a reasonable profit as shown in Appendix C.

"3. Applicant believes that, unless relief is authorized, shipper will retain this traffic as its proprietary operations, that a large volume of traffic will be lost, that neither the Applicant nor any other for-hire carrier will enjoy the revenue to be derived from this transportation in the future."

The application was listed on the Commission's Daily Calendar of January 23, 1979. 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 MARCH, 1979.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Boyer
President

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

[Signature]
[Signature]
Commissioners

APPENDIX A

Carrier: Kings County Truck Lines

For: Safeway Stores, Inc.

Commodities: As described in Items 335.5, 335.6, 335.7 and distilled water, empty milk cases and empty pallets.

Between: San Leandro and Sacramento

Charges:	<u>Number of Round Trips per Week</u>	<u>Charge per Round Trip</u>
	4	\$246
	5	\$240
	6	\$237
	7	\$235
	8	\$232

Conditions:

1. Shipments shall be power loaded and power unloaded without assistance of or expense to the carrier.
2. One hour free time for loading and one hour free time for unloading at San Leandro and Sacramento is allowed. Excessive time for loading or unloading shall be charged at \$20.86 per hour, figured on quarter-hour intervals.
3. Subhaulers shall not be engaged.
4. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)