

Decision No. 90253 APR 24 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
)
 JOHN A. ROSE, doing business as)
 ROSE TRUCKING CO.,)
)
 for authority to deviate from)
 minimum rates, rules and regula-)
 tions of Minimum Rate Tariff No.)
 2, pursuant to the provisions of)
 Section 3666 of the Public)
 Utilities Code for transportation)
 for CONTINENTAL CAN COMPANY,)
 INC., and DEL MONTE CORPORATION.)

Application No. 58754
 (Filed March 21, 1979)

OPINION AND ORDER

By this application, John A. Rose, doing business as Rose Trucking Co., requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of tin plate, aluminum plate, can ends and similar commodities for Continental Can Company, Inc. and Del Monte Corporation from Pittsburg to San Jose, Sacramento, Lodi and Oakland.¹

¹The present minimum rates and the proposed rates in cents per 100 pounds for representative 96,000 pound shipments are:

<u>Commodities</u>	<u>From Pittsburg To</u>	<u>Present Rates</u>	<u>Proposed Rates</u>
Can Ends	Lodi	72	27
Can Ends	Sacramento	65	38
Tin Plate	Oakland	61	27
Tin Plate	San Jose	74	30

Applicant has performed the requested service for a period of 12 years as a subhauler for Frank's Trucking which has an existing deviation (SDD-853) for this service at the same rates requested by applicant. The owners of Frank's Trucking plan to retire and liquidate their business.

Frank's Trucking desires to have the service continued by Rose so that the transportation service which has met the shippers' requirements can be continued.

Applicant states the request for a deviation is predicated upon a unique operation involving expedited shipping and receiving procedures and a maximum utilization of a driver and unit of equipment.

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

The application was listed on the Commission's Daily Calendar of March 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. The effective date of this order should be the date hereof in order to enable continuation of this transportation service.

IT IS ORDERED that:

1. John A. Rose 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.

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The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27th
day of APRIL, 1979.

John E. Bayon
President
James L. Thurman
Robert D. Smith
Walter J. Smith
Samuel W. Smith
Commissioners

APPENDIX A

Carrier: John A. Rose, dba Rose Trucking Co.

For: Continental Can Company, Inc.

Commodities: Plain, coated, lacquered, painted, lithographed or printed NOI tin mill black plate, tin plate, terne plate, or chrome-plated black plate; aluminum plate or sheet; and can ends, steel, tin or aluminum.

From: Pittsburg

Rate in Cents Per 100 Pounds

To: San Jose 30

Commodities: Plain coated, lacquered, painted, lithographed or printed NOI tin mill black plate, tin plate, terne plate, or chrome-plated black plate; aluminum plate or sheet; and can ends, steel, tin or aluminum (moving in straight shipments).

From: Pittsburg

Rates in Cents Per 100 Pounds

To: Sacramento 38
Lodi 27

For: Del Monte Corporation

Commodities: Plain, coated, lacquered, painted, lithographed or printed NOI tin mill black plate, tin plate, terne plate or chrome-plated black plate, in coils, in packages, or on platforms or skids.

From: Pittsburg

Rate in Cents Per 100 Pounds

To: Oakland 27

Conditions:

1. Each shipment shall be two (2) truckloads, minimum weight shall be 96,000 pounds per shipment; more than one shipment per day may be shipped.

APPENDIX A

2. Shipments shall be power-loaded by shipper and power-unloaded by consignee at no expense to carrier.
3. Except as herein noted, shipments may be a mix of any of the above commodities.
4. There shall be no split-delivery shipments under these rates.
5. If shipper or a receiver fails to load or unload within one hour of the scheduled time or the actual arrival time, whichever time is later, shipper shall pay a detention charge of \$10.00 per hour based on one quarter hour increments or any fraction thereof.
6. Freight charges shall be prepaid by Continental Can Company, Inc. or paid by Del Monte Corporation, as the case may be.
7. 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 rates authorized herein without any deduction for use of applicant's trailing equipment.
8. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)