

ORIGINAL

Decision No. 90284 MAY 8 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Tony's Express, Inc., for authority)
to depart from the minimum rates, )
rules, and regulations of Minimum )
Rate Tariff No. 2, pursuant to the )
provisions of Section 3666 of the )
Public Utilities Code for transpor-)
tation for Clairol, Incorporated. )

Application No. 58736
(Filed March 13, 1979)

OPINION AND ORDER

By this application, Tony's Express, Inc., requests authority to deviate from the provisions of Minimum Rate Tariff 2 by charging \$310.00 per "service movement" for the account of Clairol, Incorporated.

Applicant will supply a three-axle diesel tractor for "service movements" of its trailers on inter-plant movements. The transportation will include transporting supplies needed in manufacturing from suppliers to a Clairol product producing and packaging plant and finished products from this plant to a distribution warehouse. The origins and destinations, generally, will be La Mirada, Anaheim, City of Commerce and Camarillo.

Applicant, in Decision 89343, dated September 6, 1978, was authorized to perform a distribution service for the Bristol-Myers Company and its divisions and subsidiaries. Clairol is a subsidiary of the Bristol-Myers Company. Applicant has seen a need for this type of service to fully service the Clairol account and seeks this "service movement" to accomplish a for-hire service normally handled by proprietary equipment.

The applicant's tractor will be shuttling applicant's own trailers, which are loaded and unloaded and sealed without

any cost to the applicant. Further, as the transportation between the previously named points will consist of Clairol's own materials and finished products, no manifesting nor documentation will be required. The driver's time and the clerical time preparing the paper work, billing and auditing the charges for the many items that will be shipped would result in substantial costs and delays on this type of "service movement".

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 14, 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 because there is an immediate need for this rate relief.

IT IS ORDERED that:

1. Tony's Express, Inc., 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 charges 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.

A. 58736 - avm

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 8th day  
of MAY, 1979.

James E. Conroy  
President  
Norman L. Sturgeon

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

Richard D. Gravelle  
Richard D. Gravelle  
Commissioners

## APPENDIX A

Carrier: TONY'S EXPRESS, INC.  
Shipper: CLAIROL, INCORPORATED  
Service: Transportation from the Clairol plant at La Mirada either to the plant of IMCO Container Company at La Mirada, Monsanto Company at Anaheim, or Inland Container Corporation at City of Commerce, thence to the Clairol plant at Camarillo, and return to the Clairol plant at La Mirada.  
Commodities: Property of Clairol, Incorporated.  
Rate for Service: \$310.00 per service movement in single unit of equipment.

## Conditions:

1. A "service movement" shall consist of 8 hours out of 9 consecutive hours - Monday through Friday.
2. A "service movement" shall commence upon arrival of the equipment at the Clairol plant, La Mirada. The "service movement" will be finished when the equipment returns to Clairol's receiving dock at La Mirada.
3. Time in excess of eight hours for the "service movement" shall be assessed for as provided in MRT 2, Item 145, Charges for Delays.
4. Single unit of equipment means tractor and van-type semi-trailer not less than 40 feet long.
5. Service must be prepaid by Clairol, Incorporated.
6. All loading and unloading shall be performed by shippers and receivers without assistance from Tony's Express, Inc., employees.
7. Loading or unloading at each pickup or delivery point shall not exceed one hour.
8. Property of Clairol shall be transported at a released valuation of not in excess of 50 cents per pound, per article; must move under shipper's seal; and subject to shipper's load and count.
9. If a subhauler is employed, he shall be paid not less than the rates authorized herein with no deduction for the use of applicant's trailing equipment.
10. In all other respects, the rates and rules of Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)

✓