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Decision No. 90338 MAY 22 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Gary Scannavino dba Cherokee)
Freight Lines for Authority Under)
the Provisions of Section 3666 of)
the Public Utilities Code, to)
Deviate from the Minimum Rates in)
Minimum Rate Tariff No. 2 Appli-)
cable to the Transportation of)
Granulated Sugar, in Bulk, from)
Manteca, Mendota, Spreckels and)
Woodland, California for Amstar)
Corporation, Spreckels Sugar)
Division.)

Application No. 58793
(Filed April 9, 1979)

OPINION AND ORDER

By this application, Gary Scannavino, an individual, doing business as Cherokee Freight Lines, seeks to deviate from the rates in Minimum Rate Tariff 2 for the transportation of granulated sugar, in bulk, for the account of Amstar Corporation, Spreckels Sugar Division.¹

Applicant will supply the tractor and driver only for the pulling of Amstar's hopper bottom trailers. The transportation is to be performed within a radius of 200 miles from the Amstar facilities located at Woodland, Mendota, Manteca and Spreckels. Loading will be performed by the shipper. Unloading will be by gravity or aided by pneumatic equipment supplied by the consignee.

¹ The present minimum rates and the proposed rates, in cents per 100 pounds, for 52,000-pound shipments of granulated sugar, in bulk, for various mileage brackets are:

Items 745-6-7			Items 745-6-7		
Mileage Bracket	with 8¢ S/C Eff. 5/5/79	Proposed rates	Mileage Bracket	with 8¢ S/C Eff. 5/5/79	Proposed rates
15 - 20	30	21	130-140	79	48
40 - 45	43	26	180-190	94	66
80 - 90	63	36½	190-200	97	69

Applicant has been performing this transportation for the past six years. The movement has been approximately twenty 52,000-pound shipments per week. Applicant also provides a similar service between the above-named plants for Amstar. The application will be conditioned to include an additional charge covering excessive empty mileage. This empty mileage accrues when the carrier is required to traverse longer distances to service the named origins.

Applicant asserts that the proposed rates, based upon the applicant's prior experience with the involved transportation, are reasonable and may be expected to result in profitable operations for applicant during the year.

The application was listed on the Commission's Daily Calendar of April 10, 1979. No objection to the granting of the application has been received.

The Commission finds that the authority requested is similar to other authorities previously granted to other carriers and to applicant for transportation of sugar; and revenue and expense data submitted by applicant indicate that the proposed transportation may be expected to be profitable under the proposed rates.

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. Gary Scannavino, an individual, doing business as Cherokee Freight 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.

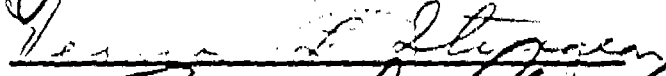
2. The authority granted herein shall expire one year after the effective date of this order unless sooner canceled, modified or extended by further order of the Commission.


The effective date of this order is the date hereof.

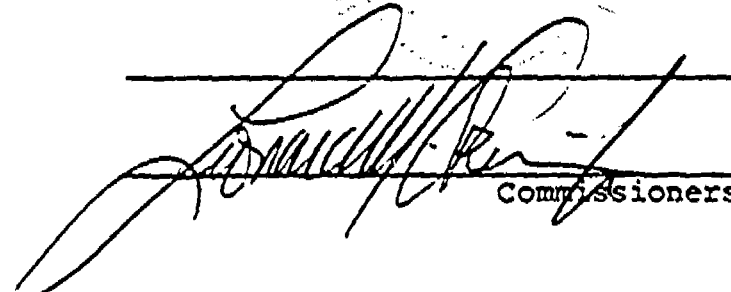
Dated at San Francisco, California, this 22nd day of MAY, 1979.



President







Commissioners

Commissioner Claire E. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

Carrier: Gary Scannavino, dba Cherokee Freight Lines

Origins: Facilities of Amstar Corporation, Spreckels Sugar Division located at Woodland, Manteca, Mendota and Spreckels.

Destinations: Within 200 Constructive miles from origin.

Commodity: Granulated sugar, in bulk.

Minimum Weight: 52,000 pounds per unit of carrier's equipment

<u>Miles</u>	<u>Rate</u>	<u>Miles</u>	<u>Rate</u>
<u>Over</u>	But Not <u>Over</u>	<u>Over</u>	But Not <u>Over</u>
0	15	20	
15	20	21	40-1/2
20	25	22	43
25	30	23-1/2	45
30	35	24-1/2	48
35	40	25-1/2	52
40	45	26	55
45	50	28	59
50	60	30	62
60	70	32	66
70	80	34	69
80	90	36-1/2	
90	100	38-1/2	

Conditions:

1. Rates apply only:

(a) To straight shipments of the named commodity, when transported in bulk, in hopper-type equipment, gravity loaded by the shipper and unloaded by gravity or by means of pneumatic pressure.

(b) When transportation is performed in trailer equipment furnished by the shipper at no expense to the carrier.

2. Rates shall not apply to transportation between shipper's facilities named above under the caption "Origin".

3. A total of three (3) hours is allowed for loading and unloading. Any time in excess of three (3) hours will be charged \$5.50 per one-half (1/2) hour or fraction thereof.
4. To the extent that empty mileage associated with any delivery exceeds one hundred and thirty-three percent (133%) of loaded mileage, carrier will collect a charge of forty (40) cents per mile per shipment. Mileage shall be computed as the shortest route from carrier's terminal and return to carrier's terminal via the point of pickup and point of delivery. (Constructive mileages shall apply.)
5. The charge for return of rejected shipments shall be one-half (1/2) the outbound deviated rate provided above.
6. Applicant has indicated that subhaulers will not be engaged. Therefore, if subhaulers are employed, they shall be paid no less than the rates authorized herein without any deduction for use of shipper's trailing equipment.
7. Except as otherwise provided herein, the transportation shall be governed by the provisions of Minimum Rate Tariff 2, and surcharge provisions shall apply.

(END OF APPENDIX A)