

ORIGINAL

Decision No. 90520 JUL 3 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Wend-Bridge Enterprises, Inc.,)
dba Carr Freight Systems, to)
deviate from minimum rates for)
transportation of plastic OT)
foam pellets, etc., Oxnard, et)
al.)

Application No. 58515
(Filed December 11, 1978)

Ernie Parks, for applicant.
Herbert W. Hughes, for California Trucking
Association, interested party.
John Johnson, for the Commission staff.

O P I N I O N

Carr Freight Systems, a radial highway common carrier quartered in Oxnard, California, requests authority to charge less than Minimum Rate Tariff 2 rates for the transportation of plastic OT foam pellets, flakes, granules, lumps, and powdered, in nonreturnable pallets, from the Oxnard plant of Borg-Warner Chemical Corporation (BW) to various consignees in Los Angeles, Orange, San Bernardino, and Riverside Counties, in shipments of 30,000 pounds or more.

A public hearing was held before Administrative Law Judge Fraser in Los Angeles on March 21, 1979. Applicant was the only party to present evidence. The other appearances were concerned with developing the record. California Trucking Association and our staff took no position in this proceeding.

Applicant's tractors haul empty trailers from Oxnard to the Los Angeles Basin, where the trailers are circulated on a series of pickup routes and returned loaded to Oxnard in the evening, for overnight storage at applicant's terminal. The following morning the goods are delivered on routes extending from Paso Robles to Thousand Oaks.

On July 26, 1978 applicant started leaving one empty trailer at the Oxnard BW plant about 1:00 p.m. The trailer is loaded by the shipper and returned to applicant's Oxnard terminal about 4:30 p.m., where it remains overnight. The following morning the loaded BW trailer is hauled behind applicant's tractor to the Los Angeles Basin, where deliveries are made to the BW consignees until the trailer is empty. The same trailer is then used to pick up on applicant's route and returned loaded to Oxnard in the evening. In February of 1979 applicant had 20 BW trailers going south to Los Angeles and 247 trailers coming north to Oxnard. Shipments are prepaid and are full trailer loads. Applicant is not involved in loading or unloading; and all loads are palletized for ease in handling. Applicant will charge a class rate of 35.4 on a minimum of 30,000 pounds. Applicant estimates the average mileage as 87, although individual deliveries may extend from 40 to more than 100 miles. The transportation manager for BW came from Virginia to testify. He advised that applicant's proposal is favored because if transportation costs continue to increase, BW may decide to purchase and operate its own trucks.

Findings of Fact

1. Applicant is presently operating from Oxnard to the Los Angeles Basin as a radial highway common carrier.
2. As a backhaul to shipments from Los Angeles, applicant is presently transporting shipments of plastic OT foam pellets, et al., for which the deviation is requested from the Oxnard plant of BW to points in the Los Angeles Basin.
3. This transportation involves no additional cost other than driver's time involved in unloading of BW shipments. ✓
4. This backhaul movement is of recent origin and will not result in any diversion from existing carriers.
5. The shipments are palletized and all loading and unloading is performed by forklift.
6. The proposed deviation is economically feasible. ✓

7. There is a cost saving to the shipper directly attributable to applicant's transportation of the commodities involved which prevent the shipper from engaging in proprietary transportation.

8. The proposed rate is compensatory, reasonable, and justified.

Conclusions of Law

1. The Commission concludes that the application should be granted.

2. Since conditions under which the service is performed may change at any time, the authority granted in the ensuing order will expire at the end of one year unless sooner canceled, modified, or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Wend-Bridge Enterprises, Inc., dba Carr Freight Systems, is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 by charging not less than those rates set forth in Appendix A of this decision. This authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

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

The effective date of this order shall be thirty days after the date hereof.

Dated JUL 3 1979, at San Francisco, California.

John E. Guy

 President

Richard W. Good

Donald J. Smith

 Commissioners

A.58515 dz/fc/kd *

APPENDIX A

Carrier: Wend-Bridge Enterprises, Inc., dba Carr Freight Systems.

Shipper: Borg-Warner Chemical Corporation.

Commodity: Plastic OT foam pellets, flakes, granules, lumps, and powdered, in nonreturnable pallets, as further described in NMFC Item No. 156200.

Minimum Weight: 20,000,
30,000,
40,000, and
50,000 pounds, as noted in the classification. ✓

From: Oxnard plant of Borg-Warner Chemical Corporation.

To: Points in Los Angeles, Orange, San Bernardino, and Riverside Counties.

Rate: Class 35.4 as provided in Items 507 and 508 of Minimum Rate Tariff 2.

Conditions:

1. Shipments are to be palletized.
2. Loading is to be performed by consignor and unloading is to be performed by consignee with forklift equipment.
3. Applicant has indicated that subhaulers will not be engaged. Therefore, if subhaulers are employed, they shall be paid no less than the rate authorized herein without any deduction for use of applicant's trailing equipment.