

HEC/FS

Decision No. 90564 JUL 17 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of Frank O. Culy, )  
Jr. dba Riteway Transportation for )  
authority to deviate from minimum )  
rates and charges on shipments as )  
described in items 320 and 320-1 )  
and rates in item 632 and provi- )  
sions of items 900 and 900.1 for )  
American Home Foods plant at Vaca )  
Valley, California to points and )  
places in the Los Angeles Basin )  
Territory, under section 3666 of )  
the Public Utilities Code. )

Application No. 58887  
(Filed May 23, 1979)

OPINION AND ORDER

By this application, Frank O. Culy, Jr., an individual doing business as Riteway Transportation, seeks authority to deviate from the provisions of Minimum Rate Tariff 2 (MRT 2) when transporting canned goods, as described in Item 320 and 320-1 of MRT 2 for the account of American Home Foods.

Applicant proposes to utilize the provisions of Item 631 of MRT 2 for this transportation. The item provides "Full Service Canned Goods Rates" for movements between the Los Angeles Basin Territory and the San Francisco Territory, Sacramento and North Sacramento.<sup>1/</sup> American Home Foods' plant is located at Vaca Valley which is 2.2 miles off Interstate Highway 80 midway between San Francisco and Sacramento.

<sup>1/</sup> Comparison of the minimum rates with applicant's proposal:

Mileages	<u>Minimum Rates</u>		<u>Applicant's Proposal</u>	
	MRT 2	Item 632	MRT 2	Item 631
	40,000 pounds	47,000 pounds	48,000 pounds	
400-425	136	118	101	
426-450	140	123	101	
451-475	145	126	101	

Applicant is presently servicing the account applying a rail rate which has a shipment minimum weight of 80,000 pounds. The application of Item 631 will enable applicant to secure a heavier loading (48,000 pounds) per unit of equipment. The heavier loading will increase the revenue earned per unit of equipment with a slight increase in the cost of operation. At present, transportation is being performed according to the needs of American Home Foods with 10 to 11 movements being transported ~~per week~~ per week to the Los Angeles Basin Territory.

The application was listed on the Commission's Daily Calendar of May 25, 1979. No objection to the granting of the application has been received.

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

In the circumstances, the Commission finds that the 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. Because there is an immediate need for this rate relief, the effective date of this order should be the date hereof.

IT IS ORDERED that:

1. Frank O. Culy, Jr., an individual doing business as Riteway Transportation, 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.

A. 58887 - FS

The effective date of this order is the date hereof.  
Dated at San Francisco, California, this 17<sup>th</sup> day  
of JULY, 1979.

John E. Boyce  
President

Verna L. Sturgeon

Robert W. Gould

Clair J. Deibel

Arnold Gering  
Commissioners

A. 58887

T-117,314

APPENDIX A

Carrier: Frank O. Culy, Jr., dba Riteway Transportation  
Shipper: American Home Foods  
Commodity: Canned Goods  
From: Vaca Valley  
To: Los Angeles Basin Territory  
Rate: "Full Service Canned Goods Rate" in Item 631 of Minimum Rate Tariff 2 between Los Angeles Basin Territory and San Francisco, Sacramento and North Sacramento shall apply. Subject to the following conditions:

Conditions:

1. A minimum weight of 48,000 pounds shall apply to each unit of equipment in which the shipment is transported.
2. When split delivery is requested, shipments may be stopped to complete loading and/or partially unload at a charge of \$80.00 per stop for such service. The charge is not applicable to the stop for delivery at final destination. A total of not more than two (2) stops at points within or between origin and destination territories via routes described in Items 900 and 900.1 of Minimum Rate Tariff 2, plus a stop for delivery at final destination will be permitted.
3. 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 no less than the rates authorized herein, without any deduction for use of applicant's trailing equipment.
4. Subject to all applicable surcharges in Minimum Rate Tariff 2.
5. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)