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90851

SEP 25 1979

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of:)
)
M & L Trucking Company, Inc.)
A California corporation)
)
for authority under Section 3666)
of the Public Utilities Code of)
the State of California to)
deviate from the provisions of)
Minimum Rate Tariff No. 2 in)
connection with the transpor-)
tation of "sugar" for the account)
of California & Hawaiian Sugar)
Company.)

Application No. 59089
(Filed August 23, 1979)
(Amended September 7, 1979)

OPINION AND ORDER

By this application, as amended, M & L Trucking Company, Inc., a California corporation, seeks authority to assess rates seven cents per 100 pounds less than the minimum rates in Minimum Rate Tariff 2 (MRT 2) for the transportation of sugar in packages. The shipments are for the account of the California & Hawaiian Sugar Company, Crockett (C&H). Shipments from the C&H refinery at Crockett, will be subject to a minimum weight of 10,000 pounds or more, to points within 350 constructive miles, while the return of empty pallets to Crockett, under certain conditions, may be transported without charge.

In support of its request, applicant states that the class rates on sugar established by the Commission are predicated upon costs of loading as set forth in Item 142 of MRT 2 wherein it is provided that eight minutes per ton is allowed for loading of shipments subject to minimum weights of 10,000 pounds or more. The sugar will be mechanically loaded with forklift equipment owned and operated by C&H without expense to the applicant. Shipments being loaded on pallets will also make unloading easier. There are no terminal handling costs involved and shipments are delivered by the same van in which they are originally loaded.

Applicant anticipates a volume in excess of 500,000 pounds per month with transportation being performed on a daily basis pursuant to the granting of this application.

The Commission has authorized similar deviations to Coyner Trucking Company, Inc.,^{1/} and Pacific States Express, Inc.,^{2/} for the same traffic. Applicant is presently participating in this traffic replacing Coyner Trucking Company, Inc.^{3/} Experience gained from the traffic has shown the average shipment to weigh approximately 45,000 pounds. Upon such an average load, the requested deviation reduction of seven (7) cents per hundred pounds will come to \$31.50. The shifting of the cost of loading to the shipper will result in productive use of applicant's drivers and more effective equipment utilization, particularly with the consistently heavy volume of daily shipments involved. Applicant alleges that the rates and charges provided by the authority sought herein will be compensatory for the proposed transportation.

The application and amendment were listed on the Commission's Daily Calendars of August 24 and September 12, 1979, respectively. No objection to the granting of the application, as amended, 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, as amended, 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.

1/ Coyner Trucking Company, Inc. - Decision 82372, dated January 22, 1974 in Application 54414. Renewed by subsequent Special Deviation Dockets.

2/ Pacific States Express, Inc. - Decision 81729, dated August 14, 1973 in Application 53669. Renewed by subsequent Special Deviation Dockets.

3/ Coyner Trucking Company, Inc. terminated its motor carrier service on or about June 15, 1979.

IT IS ORDERED that:

1. M & L Trucking Company, Inc., a California corporation, 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.

The effective date of this order is the date hereof.

Dated SEP 25 1979, at San Francisco, California.

John E. Bayne
President

Vernon L. Sturgeon

Richard D. Howell

Alvin J. DeSantis

Edward J. Jensen
Commissioners

Carrier: M & L Trucking Company, Inc.
A California Corporation

Commodity: Sugar in packages, on or off pallets

Shipper: California & Hawaiian Sugar Company

Origin: California & Hawaiian Sugar Company facility
at Crockett, California

Destinations: Points in California within 350 constructive
miles of Crockett.

Rates: Class rates named in Minimum Rate Tariff 2,
applicable on shipments of sugar weighing 10,000
pounds or more, less an allowance of seven cents
(7¢) per 100 pounds when shipments are loaded by
shipper without expense to carrier, subject to
the following conditions and limitations:

- A. Rates named are subject to the Central
Coastal Territory surcharges named in
Supplement 75 to Minimum Rate Tariff 2,
where applicable; also, all other
applicable provisions shown in Minimum
Rate Tariff 2 will apply except that
Items 200 to 240 and paragraph (a)
of Section 1 of Item 45 will not apply.
- B. When palletized shipments of sugar are
transported under rates named herein, the
empty pallets, platforms or skids may be
transported to the point of origin with-
out charge, subject to the following
terms and conditions:

Conditions:

1. Shipments must be loaded into the carrier's equipment by
the consignor and/or unloaded by the consignee with power
equipment, furnished and used without expense to the
carrier, and with no services performed at the carrier's
expense or by the carrier's personnel.

2. Shipper must indicate the number of pallets and the weight thereof on the bill of lading covering the loaded movement, and must make reference to the shipping document and the date of shipment of the document and the date of shipment of the inbound movement on the outbound shipping document.
3. Shipper must indicate on the shipping documents that palletized shipments were loaded directly onto trailers by power-loading equipment operated by personnel furnished by shipper, and/or receivers must show on the carrier's delivery receipt that shipments were removed by power-loading equipment operated by personnel furnished by receiver.
4. The carrier shall assess applicable tariff charges on empty pallets under the following conditions:
 - (a) If consignee, immediately upon receipt of a shipment, fails to provide the carrier with up to a like number of pallets, either for a return movement or loaded for a beyond move by the carrier, or
 - (b) For any empty pallets tendered in excess of the number of loaded pallets transported by the carrier on said shipment.
5. The constructive mileage from point of origin to point of destination of the shipment shall not exceed 350 constructive miles.
6. For purposes of this authority, empty pallets, platforms or skids shall be described in Items 150370 (Sub.1) 150380 or 150390 (Sub.2) of National Motor Freight Classification 100-F: six inches or less in height or nested solid (as defined in Item 110 of said classification), and of wood, metal or wood and metal construction.
7. The carrier 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 the use of the carrier's trailing equipment.

8. Transportation under this authority shall not be performed within the scope of M & L Trucking Company, Inc., common carrier operating rights.
9. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)