

DC/RI

Decision No. 90986 NOV 6 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Fairfield Trans-)
 port, Inc., a California Corpo-)
 ration, for authority to charge)
 a rate lower than the minimum)
 rate provided in Minimum Rate)
 Tariff 2 for the transportation)
 of plastic bottles from the)
 facilities of Owens-Illinois,)
 Inc. and The Continental Group,)
 Inc. in Fairfield, California,)
 to the facilities of The Clorox)
 Company in Oakland, California,)
 and the facilities of Maxwell)
 House Division, General Foods)
 Corporation in San Leandro,)
 California.)

Application No. 59054
 (Filed August 8, 1979)
 (Amended October 4, 1979)

OPINION AND ORDER

By this application Fairfield Transport, Inc., requests authority to deviate from the provisions of Minimum Rate Tariff 2 for the transportation of plastic bottles from Fairfield to Oakland and San Leandro for the Clorox Company and General Foods Corporation.^{1/}

Clorox Company states that since July 14, 1979 it has instituted a proprietary operation for this traffic which was previously handled by Fairfield Transport, Inc. Decision 90441 in Case 5432, OSH 1022, by including plastic bottles in Item 330.3, precluded Clorox from using the multiple lot rule for this traffic resulting in an increase from \$94.50 to \$162 per shipment. General Foods Corporation has indicated it is considering proprietary operations.

^{1/} The present and proposed rates for plastic bottles, exclusive of applicable surcharges, in dollars per load are:

<u>From</u>	<u>To</u>	<u>Present Rates</u>	<u>Proposed Rates</u>
Fairfield	Oakland	\$162	\$102
Fairfield	San Leandro	\$173	\$115

TH-8

A. 59054 - RI**

Applicant states that it will transport full trailerloads of unitized plastic bottles in continuous movement from one origin to one destination. Shipments will be loaded by and at the expense of shipper and unloaded by and at the expense of consignee. Carrier's driver will not be required to provide any loading or unloading assistance or any service other than placement and removal of blocking bars and boards at tailgate of trailer. Shipments of plastic bottles will be transported regularly throughout the year at an average rate of about 30 trailer loads per week. Applicant has a backhaul of glass bottles for each load of plastic bottles.

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 and amendment were listed on the Commission's Daily Calendars of August 9, and October 9, 1979, respectively. California Trucking Association by letter, dated September 26, 1979, objected to the ex parte handling of the application citing the discussion of master-bill privileges in Case 5432, OSH 1022, which established commodity rates for plastic bottles. The association stated that any change in the empty container rates requires a public hearing. However, this application is based upon the special circumstances associated with the specific traffic involved and does not alter the empty container rates or the restrictions on master-bill privileges which were decided by Decision 90441.

Findings of Fact

1. Applicant will transport full trailerloads of unitized plastic bottles.
2. The shipments will be loaded and unloaded by the shipper or consignee, respectively.
3. The transportation involved will be compensable to the applicant.
4. The commodity to be transported will be hauled by proprietary carriage if the less than minimum rates sought herein are not authorized.

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. Fairfield Transport, 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 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 NOV 6 1979, at San Francisco, California.

John E. Byron
President
James L. Stenger
Richard W. Hoyle
Robert T. H. Smith
James M. Smith
Commissioners

APPENDIX A

Carrier: Fairfield Transport, Inc.
 For: Clorox Corporation or General Foods Corporation
 Commodity: Bottles, plastic, NOI (156600) five gallons or less
 in capacity.
 From: Fairfield
 To: Oakland or San Leandro
 Rates:

When Transportation Commences	<u>Rate Per Trailerload</u>	
	<u>Destination</u>	
	<u>Oakland</u>	<u>San Leandro</u>
Midnight Sunday to Midnight Friday	\$102.00	\$115.00
Midnight Friday to Midnight Saturday	\$122.00	\$140.00
Midnight Saturday to Midnight Sunday and on New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Day After Thanksgiving Day, Christmas Eve, Christmas Day and New Year's Eve Day	\$143.00	\$165.00

Conditions:

1. Rates are subject to fuel surcharges authorized in Minimum Rate Tariff 2 with an effective date subsequent to July 8, 1979. Rates are not subject to increases other than fuel surcharges authorized in Minimum Rate Tariff 2.
2. Shipments must be loaded in trailers by equipment and personnel furnished by shipper and unloaded from trailers by equipment and personnel furnished by consignee with driver required to furnish no service other than placement and removal of blocking bars and boards at tailgate of trailer.

3. Shipments rejected by consignee will be returned to shipping point at the applicable rate shown above prorated for the quantity returned.
4. Rate is applicable only to trailerload shipments fully loaded at one point of origin and consigned to one destination point for complete unloading. Split pickup, split delivery or other accessorial services will not be provided for shipment transported under this rate.
5. Shipments tendered for transportation and not complying with all provisions applicable to this rate will be charged for at the minimum rate specified for said shipment in Minimum Rate Tariff 2.
6. 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.
7. In all other respects, the rates and rules of Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)