

Decision No. 91090 NOV 30 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Roy Vance Thomas)
and Albert Thomas, DBA N. Kishida)
Trucking, a General Partnership,)
for Authority to deviate from the)
Minimum Rate Tariff 2, for the)
transportation of lumber, forest)
products, and wood products, for)
the Bendix Forest Corporation,)
pursuant to the provisions of)
Section 3666 of the Public Util-)
ities Code.)

Application No. 59231
(Filed October 23, 1979)
(Amended November 16, 1979)

OPINION AND ORDER

By this application, Roy Vance Thomas and Albert Thomas, a general partnership, doing business as N. Kishida Trucking, request authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of lumber, forest products and wood products for Bendix Forest Products, (formerly American Forest Products) from its plants at Foresthill, Fresno, Martell, North Fork and Stockton to points in the Los Angeles Basin Territory and points within San Diego County.¹

Applicant states that it is now and has been transporting lumber, forest products and wood products as a subhauler between the points sought in this deviation. The costs and revenue figures are based upon the experience gained by applicant in these prior movements.

¹ The present minimum rates (with surcharge effective October 28, 1979) and the proposed rates in cents per 100 pounds for representative 50,000 pound shipments of lumber are:

<u>From</u>	<u>To</u>	<u>Present Rates</u>	<u>Proposed Rates</u>
Foresthill	Los Angeles MZ 201	111	86
Fresno	San Diego MZ 301	100	86
Martell	Riverside	116	80
North Fork	Los Angeles MZ 235	88	70
Stockton	Los Angeles MZ 259	103	75

Applicant also has traffic in the opposite direction transporting steel in truckload quantities from Cucamonga and Long Beach to Richmond and Lockeford. The present application will enable N. Kishida Trucking to operate as a prime carrier and will generate additional revenue with maximum utilization of equipment on a round-trip basis. The present application is similar to authorities previously granted to Osterkamp Trucking, Inc. (Decision 87647 dated July 26, 1977) and Commercial Transfer Inc. (Decision 88281 dated December 20, 1977). 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 October 25 and November 19, 1979, respectively.

A formal protest conforming to Rule 42.2 of the Rules of Practice and Procedure has been received from Teresi Trucking, Inc. regarding applicant's request to utilize a named subhauler. By amendment, applicant has supplied the necessary information to include Alvin Joseph Novo, dba Novo Trucking T-119,491, as a subhauler who shall receive 90 percent of the deviated rate authorized without any deduction for use of applicant's trailing equipment.

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 should be the date hereof because there is an immediate need for this rate relief.

IT IS ORDERED that:

1. Roy Vance Thomas and Albert Thomas, a general partnership, doing business as N. Kishida Trucking, 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.

A. 59231 - FS

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 30 1979, at San Francisco, California.

John E. Guyon
President

Thomas J. Stapp

Richard D. Howell

Paul J. Smith

James W. Smith
Commissioner

A. 59231 *

T-124,820

APPENDIX A

Carrier: Roy Vance Thomas and Albert Thomas, dba N. Kishida Trucking

Commodities: Lumber and forest products as described in Item 685 of Minimum Rate Tariff 2.

Shipper: Bendix Forest Products

Rates: In cents per 100 pounds

Destinations

<u>Origins</u>	<u>Los Angeles Basin Territory</u>	<u>San Diego County</u>
Foresthill	87	113
Fresno	64	87
Martell	81	103
North Fork	71	92
Stockton	76	97

Minimum Weight: 50,000 pounds per unit of carrier's equipment.

Conditions:

1. Shipments must be power loaded by consignor and power unloaded by consignee.
2. The above rates shall be subject to all rail rate increases made effective subsequent to the date of this order which shall be applied to the deviated rate authorized herein.
3. In the event Alvin J. Novo (T-119,491) is engaged, he shall receive no less than 90 percent of the authorized rate without any deduction for use of applicant's trailing equipment. If any other sub-haulers are employed, they shall be paid no less than 100 percent of the authorized rate herein without any deduction for the use of applicant's trailing equipment.
4. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)