

NOV 18 1980

ORIGINAL

C. 5438 Pet. 127 - T/HEC/IE

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
for the purpose of considering and)
determining minimum rates for)
transportation of fresh or green)
fruits and vegetables and related)
items statewide as provided in)
Minimum Rate Tariff 8-A, and the)
revisions or reissues thereof.)

Case No. 5438
Petition for Modification
No. 127
(Filed May 22, 1980)
(Amended September 19, 1980)

EIGHTH INTERIM OPINION AND ORDER

By its petition California Trucking Association (CTA) seeks an increase in rates and charges in the Commission's Minimum Rate Tariff 8-A (MRT 8-A) of 13.25 percent. MRT 8-A contains minimum rates and rules governing the statewide transportation of fresh fruits and vegetables from points of production to wholesale and retail markets.

The tariff was initially published in 1940 as Highway Carrier's Tariff No. 8 and subsequent general studies were conducted in 1952, 1962 and 1972. The rates and charges of MRT 8-A were predicated upon cost and economic studies conducted by the staff during the period 1972 through 1974 and were established by the Commission in Decision No. 85826 dated May 18, 1976 in Order Setting Hearing No. 99. Subsequent increases of 8.5 percent and 12 percent, reflecting increases in labor and other costs, were authorized in 1977 and 1978, respectively.

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Presently, the tariff is subject to additional increases as described in surcharge supplements. A surcharge percentage of 9.5 percent applies on charges computed at rates subject to minimum weights of 4,000 pounds or more and a 7.75 percent surcharge applies on all other rates and charges with certain named exceptions.

The staff recommends that the present interim surcharges be increased. The increase (interim) would reflect additional labor costs. CTA states that the carriers are experiencing increases in virtually every category of operating expense.

The staff recommends an interim increase of five (5) percent to be added to the present surcharges. CTA petitions that the increase is needed to cover costs mainly resulting from recent labor negotiations.

In the circumstances, the Commission finds that an interim increase of five (5) percent is needed and should be added to the present surcharge. A public hearing on the petition will be scheduled at a later date. The Commission concludes that the interim increase should be granted as set forth in the ensuing order, the order should be made effective on the date hereof.

IT IS ORDERED that:

1. Minimum Rate Tariff 8-A (Appendix B to Decision No. 85826, as amended) is further amended by incorporating therein, to become effective November 24, 1980, Supplement 11, attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 85826, as amended, are directed to establish in their tariffs the increase necessary to conform with the further adjustments ordered by this decision.

3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff 8-A are authorized to increase such rates by the same amounts authorized by this decision for the respective tariff rates.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 8-A rates for the transportation of commodities and/or for transportation not subject to these tariffs are authorized to increase such rates by the same amounts authorized by this decision for the respective tariff rates.

5. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 8-A are authorized to increase such rates by the same amounts authorized by this decision for the respective tariff rates.

6. Any provisions currently maintained in common carrier tariffs which are more restrictive than, or which produce charges greater than, those contained in Minimum Rate Tariff 8-A are authorized to be maintained in connection with the increased rates and charges directed to be established by Ordering Paragraph 2 hereof.

7. Tariff publications required to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the effective date of the supplement attached hereto on not less than

five days' notice to the Commission and to the public; as to tariff publications which are authorized, but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

8. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

9. Common carriers are authorized to depart from the Commission's tariff circular requirements only to the extent necessary in establishing the surcharge supplement authorized by this order.

10. In all other respects, Decision No. 85826, as amended, shall remain in full force and effect.

11. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 8-A.

12. The Executive Director shall serve a copy of the tariff amendment on each subscriber to Minimum Rate Tariff 8-A.

The effective date of this order is the date hereof.

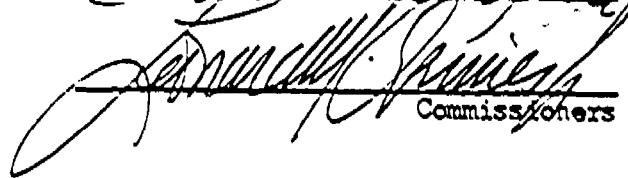
Dated NOV 18 1980, at San Francisco, California.


President








Commissioners

SURCHARGE SUPPLEMENT

SUPPLEMENT 11

(Cancels Supplement 10)

(Supplement 11 Contains All Changes)

TO

MINIMUM RATE TARIFF 9-A

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF FRESH FRUITS,
FRESH VEGETABLES AND EMPTY
CONTAINERS OVER THE PUBLIC HIGHWAYS
BETWEEN POINTS IN THE STATE OF
CALIFORNIA AS DESCRIBED HEREIN

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

AGRICULTURAL CARRIERS

Decision No.

92438

EFFECTIVE

11/24/80

♦ APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with rates and rules in this tariff and increase the amount so computed as follows: (See Exception)

1. By fourteen and one-half (14½) percent on charges computed at rates subject to minimum weights of 4,000 pounds or more;
2. By twelve and three-quarters (12¾) percent on all other rates and charges.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

1. Item 50 - Depot allowance;
2. Items 70, 80, 90 and 100 - (Railhead-to-railhead charges only);
3. Items 110 and 120 - Accessorial Services;
4. Item 150 - Charges for Loading and Unloading;
5. Item 160 - Special Charges on Shipments Destined to Certain Produce Terminals;
6. Item 260 - Collect on Delivery (C.O.D.) Shipments;
7. Items 290, 300 and 310 - Charges for Produce Service Shipment, Split Delivery and Split Pickup;
8. Item 330 - Gross Weight (Charges resulting under paragraph (d)).

THE END

♦ Increase, Decision No.

2025