

ORIGINAL

Decision 93714 NOV 3 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Gist Farms, Inc., a California)
corporation, for authority to)
depart from the rates, rules, and)
regulations of Minimum Rate Tar-)
iff 14-A in the transportation of)
bulk grain for Cargill, Incorpo-)
rated under the provisions of)
Section 3666 of the Public)
Utilities Code.)

Application 60899
(Filed September 11, 1981)

O P I N I O N

By this application, Gist Farms, Inc. (Gist), a corporation, seeks authority to deviate from the rates, rules, and regulations of Minimum Rate Tariff 14-A (MRT 14-A) when performing transportation of bulk grain for the account of Cargill, Incorporated from Famoso to Los Angeles.

Gist is a highway common carrier under Public Utilities (PU) Code Section 1063.5 and holds permits issued by this Commission as a highway contract carrier, agricultural carrier, and livestock carrier. The transportation is to be performed under Gist's permitted authority as an agricultural carrier. The

transportation is ratable under the provisions of MRT 14-A^{1/} and is desirable traffic for Gist's operations, generating revenue in an opposite direction to one of its proprietary hauls.

The application is based upon special conditions and circumstances, such as bulk loading and unloading without carrier's assistance and cost reductions resulting from the maximum use of equipment.

The application was listed on the Commission's Daily Calendar of September 18, 1981. Competing carriers are casuals and applicant has not been able to identify them for service of this application. Service of the application has been made on the following: California Manufacturers Association, California Trucking Association, California Farm Bureau Federation, and California Grain and Feed Association. 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.

^{1/} Comparison of MRT 14-A charges with applicant's proposal:

MRT 14-A - Item 550 (With 3% surcharge)	Proposed Charge (With 3% surcharge)
<u>\$294.58</u>	<u>\$208.58</u>

This proposal meets the guidelines of the Commission's Energy Efficiency Plan and will not significantly affect energy efficiency within the meaning of PU Code Sections 3502.1 and 3502.2.

Findings of Fact

1. In the circumstances, the Commission finds that applicant's proposal is reasonable and the rate compensable.
2. A public hearing is not necessary.
3. The following order has no foreseeable impact on the energy efficiency of highway carriers.

Conclusions of Law

1. The application should be granted.
2. Since transportation conditions may change, this authority should expire in one year.

O R D E R

IT IS ORDERED that:

1. Gist Farms, Inc., a corporation, may depart from the rates in MRT 14-A by charging not less than the rates shown in Appendix A when transporting bulk grain for Cargill, Incorporated.

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A.60899 T/HEC/VDL/WPSC

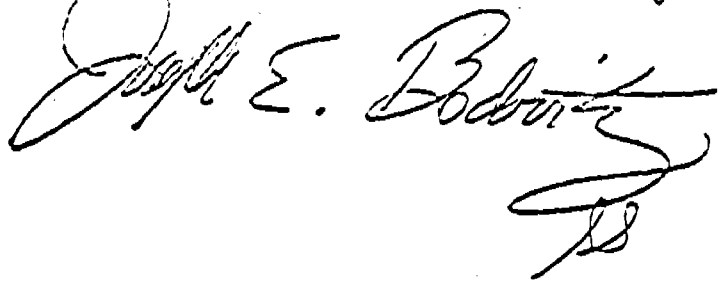
2. This authority shall expire one year after the effective date.

This order becomes effective 30 days from today.

Dated NOV 3 1981, at San Francisco, California.

JOHN E. BRYSON
 President
 RICHARD D. GRAVELLE
 LEONARD M. GRIMES, JR.
 VIKTOR CALVO
 PRISCILLA C. GREW
 Commissioners

I certify that this decision was approved by the above Commissioners today.

John E. Bobbit


APPENDIX A

Carrier: Gist Farms, Inc.
Shipper: Cargill, Incorporated
Commodity: Bulk Grain
From: Famoso
To: Los Angeles Metropolitan Zones 229, 235, or 236
Rate: 45 cents per hundred pounds
Minimum Weight: 45,000 pounds per unit of carrier's equipment

Conditions:

1. Stops in transit: One stop permitted for inspection at the California Grain Exchange facility currently located within Metropolitan Zone 236.
2. One hour free time will be allowed for loading and one hour free time will be allowed for unloading. Loading and unloading will be by gravity without expense to the carrier.
3. Surcharges or increases to the above rate shall be subject to the currently applicable surcharge or increase contained in Minimum Rate Tariff 14-A.
4. Applicant has indicated that subhaulers will not be engaged; and, no costs for subhaulers have been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rate authorized without any deduction for use of applicant's trailing equipment.
5. In all other respects, the rates and rules in Minimum Rate Tariff 14-A shall apply.

(END OF APPENDIX A)