

Decision No. 22159.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
WOOD & SEITZ  
to establish on less than 30 days'  
statutory publication a rate of  $4\frac{1}{2}$   
cents per box for the transportation  
of asparagus from certain river  
points to Antioch.

ORIGINAL

Application No. 16304.

Gwyn H. Baker, for applicants.

BY THE COMMISSION:

O P I N I O N

The Railroad Commission is asked to make an order authorizing applicants, Wood & Seitz, common carriers by vessels on the inland waters of this state, to publish on less than the statutory notice of 30 days a rate of  $4\frac{1}{2}$  cents per box applying to asparagus from landings on Ryer Island, Hastings Tract and Montezuma Tract to Antioch. The application was originally filed February 15, 1930, with a request for an informal authority under Rule 99 of Tariff Circular No. 2. Consideration was given to an ex parte adjustment, but a study of the data presented revealed the necessity for a formal proceeding to fully develop the situation and the reasons influencing the change in rates.

A public hearing was held before Examiner Geary at San Francisco February 21, 1930, and the matter having been duly submitted is ready for our decision.

The testimony presented in justification of the reduced rate differed very little from the statements set forth

in the original petition.

The proposed asparagus rate of  $4\frac{1}{2}$  cents per box is based on a minimum of 250 boxes on any one trip, and includes free return of the empty boxes. The published class rate of these applicants, they having no commodity rate at the present time, is  $34\frac{1}{2}$  cents per hundred pounds. The Fay Transportation Company, a competitor, publishes a rate of  $5\frac{1}{2}$  cents per box, with free return of the empty boxes. The Larkin Transportation Company, while publishing no specific rates to Antioch, has rates on asparagus, intermediate in application, ranging from  $7\frac{1}{2}$  cents to 14 cents per box, dependent upon the minimum number of boxes and the destination.

In the instant proceeding the rate is reduced for shippers from  $5\frac{1}{2}$  cents to  $4\frac{1}{2}$  cents per box and applicants will secure the tonnage.

The record shows that in the past some contracts had been entered into for the movement of this commodity, and that these carriers are not now in a position to furnish the required equipment for the present season.

The asparagus originates principally on lands at Ryer, Hastings and Montezuma, must pass over privately owned wharves, and can move to Antioch either by boat or auto truck.

All competing boat lines were notified of the proposed adjustment but there were no appearances in opposition. In view of the fact that the adjustment proposed brings about no radical change in the rate, that the tonnage is seasonable and must be moved at once, and that competing carriers do not object to the adjustment or early publication of the rate, we are of the opinion that the application should be granted.

#### O R D E R

This application having been duly heard and submitted,

full investigation of the matters and things involved having been had, and basing this order on the findings of fact contained in the preceding opinion,

IT IS HEREBY ORDERED that applicants, Wood & Seitz, be and they are hereby authorized to publish a tariff on one day's notice to the Commission and the public establishing a rate of  $4\frac{1}{2}$  cents per box, as outlined in the application, for the transportation of asparagus from Ryer Island, Hastings Tract and Montezuma Tract to Antioch.

Dated at San Francisco, California, this 25th day of February, 1930.

C. Kearney

Leon Whiteley  
Thomas Pettit

M. J. Am  
Commissioners.