

Decision No. 82

In the Matter of the Application of AMERICAN EXPRESS COMPANY, GLOBE EXPRESS COMPANY and WELLS, FARGO AND COMPANY EXPRESS, by their agent, F. G. Airy, for permission to amend the classification of Fruit, green, in gauze or cloth covered baskets.

Application No. 45.

Decision No. 82

OPINION.

Edgerton, Commissioner.

This is an application of the American Express Company, the Globe Express Company and Wells, Fargo and Company Express, through their agent, F. G. Airy, for permission to increase rates on green fruit in gauze or cloth covered baskets by changing their tariff so that such fruit will move under merchandise rates instead of general special rates. It is evident from testimony introduced in the hearing in this matter that there is no movement in California of fruit in baskets with gauze or cloth covers; such a package apparently was never used in this state and there is no likelihood of its being used. The reason given by the express companies for desiring the change in their tariff as applicable to this state, notwithstanding that there is no movement under the requested change, is that it effects the official express classification applicable all over the United States and in order to make it uniform, the consent of the California Commission is necessary.

In any event, it is apparent that fruit packed in gauze or cloth covered baskets should take a higher rate than fruit packed in closed crates, because it would be impossible to carry fruit safely where it was piled in tiers with the tops of the baskets unprotected, and the express company would be compelled either to carry a smaller number of tiers or else risk injury to the fruit.

The application should be granted. An order based upon the foregoing conclusions is submitted as follows:

O R D E R.

IT IS HEREBY ORDERED that permission be and it is hereby granted to the above named applicants, the American Express Company, the Globe Express Company and Wells, Fargo and Company Express, to change the classification of fruit, green, in gause or cloth covered baskets, to read "Merchandise."

The foregoing Opinion and Order are hereby approved and adopted as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 27 day of May, 1912.

John M. Eschleman

H. D. Loveland

W. G. Dow

Edwin O. Edgerton

Commissioners.