

Decision No. 29530

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of)
maximum or minimum, or maximum and)
minimum rates, rules and regulations)
of all Radial Highway Common Carriers,)
and Highway Contract Carriers, operat-)
ing motor vehicles over the public)
highways of the State of California,)
pursuant to Chapter 223, Statutes of)
1935, for the transportation for com-)
pensation or hire of any and all)
commodities, and accessorial services)
incident to such transportation.)

Case No. 4088
(Part "B", Rates
for transportation of
Beverages and Tonics
including Beer.)

ORIGINAL

BY THE COMMISSION:

ORDER MODIFYING DECISION AND DENYING
PETITIONS FOR REHEARING.

By Decision No. 28762 in the above entitled proceeding, the Commission established the lowest common carrier rates as the just, reasonable and non-discriminatory minimum rates for the transportation by radial highway common and highway contract carriers between points in this State (1) of beverages and tonics in lots weighing 18,000 pounds or over and (2) of used or second-hand empty containers for said commodities in lots weighing not less than 10,000 pounds.

The effective date of said decision was stayed by the filing by Certificated Highway Carriers, Inc. of a "Petition for Rehearing or Postponement of Effective Date." An "Application for Rehearing" was likewise filed by Walter Hulsman, an highway contract carrier.

Petitioners allege that much confusion would result if said decision were permitted to become effective and that the rates therein prescribed were, in certain instances, unjust, unreasonable and

¹ Certificated Highway Carriers' petition was filed more than 10 days prior to the effective date of the decision (see Section 66 of the Public Utilities Act); Hulsman's application was filed the day after the proposed effective date.

discriminatory.

The Commission has carefully considered said petitions and each and every allegation therein contained and is of the opinion that said Decision No. 28762 should be modified to set forth specifically the rates to be observed for transportation between San Francisco and Oakland on the one hand and Los Angeles and Fresno on the other, with which transportation the record mainly deals, and that insofar as said decision purports to establish rates for transportation between any other points, the effective date of said Decision No. 28762 should be suspended pending further hearing. With this modification said petitions should be denied.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Section "1" of the first ordering paragraph of Decision No. 28762 in the above entitled proceeding be and it is hereby amended to read as follows:

"1. The following rates be and they are hereby established as the just, reasonable and non-discriminatory minimum rates to be charged and collected by all Radial Highway Common Carriers and Highway Contract Carriers, as defined in Chapter 223, Statutes of 1935, for the transportation and the accessorial services hereinbelow described, to wit:

(a) For the transportation of beverages and tonics in lots weighing 18,000 pounds or over,

between San Francisco and Oakland on the one hand and Los Angeles on the other hand, 25 cents per 100 pounds;

between San Francisco and Oakland on the one hand and Fresno on the other hand, 12 cents per 100 pounds.

For the transportation of used or second-hand empty containers for said commodities in lots weighing not less than 10,000 pounds;

between San Francisco and Oakland on the one hand and Los Angeles on the other hand, 27 cents per hundred pounds.

between San Francisco and Oakland on the one hand and Fresno on the other hand, 14 cents per 100 pounds.

(b) For loading or unloading performed in connection with any such transportation of any such shipment, the minimum rate shall be $\frac{1}{2}$ cent per 100 pounds; and for loading and unloading performed in connection with any such transportation of any such shipment, the minimum rate shall be 1 cent per 100 pounds; and said rates for said services shall be charged and collected in addition to the transportation charge, excepting when the transportation charge, assessed in accordance with the preceding paragraph, includes loading or unloading services."

IT IS HEREBY FURTHER ORDERED that insofar as said Decision No. 28762 purports to establish just, reasonable and non-discriminatory minimum rates between points other than those set forth in the preceding ordering paragraph the effective date of said Decision No. 28762 be and it is hereby suspended pending further order of this Commission.

IT IS HEREBY FURTHER ORDERED that the petitions of Certificated Highway Carriers Inc. and Walter Eulsman be and they are hereby denied.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 12th day of February, 1937.

Walter Eulsman
Walter Eulsman
Walter Eulsman
Walter Eulsman
Walter Eulsman
Commissioners.