

Decision No. 31261

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 common carriers as defined in the Public Utilities Act of the State of California, as amended, and all highway carriers as defined in Chapter 223, Statutes of 1935, as amended, for the transportation, for compensation or hire, of any and all commodities.

Case No. 4246

ORIGINAL

BY THE COMMISSION:

ORDER MODIFYING DECISION NO. 31208

By Decision No. 31208 of August 15, 1938, in the above entitled proceeding, the Commission established minimum rates, rules and regulations for the transportation of sugar by highway carriers from Crockett and San Francisco on the one hand to points in the Los Angeles Basin area on the other hand, and found justified certain proposed reduced rail rates for similar transportation. By petition filed August 29, 1938, Western Sugar Refinery, Spreckels Sugar Company and California-Hawaiian Sugar Refining Corporation, Ltd. seek a modification of the split-delivery rule established in connection with the highway carrier rates and contained in Item No. 90 of Appendix "A" to the decision to provide that split deliveries may be made only when the weight of each component part delivered is not less than 10,000 pounds.

Petitioners allege that the minimum sales unit of sugar in the Los Angeles Basin area has been for some time, and is now, 10,000 pounds. They point out that while a limitation similar to that proposed was placed against the reduced rail rates, the present rule permits split deliveries to be made by highway carriers in smaller quantities. They argue that this rule will create demands from purchasers for sugar in lots of less than 10,000 pounds and thus will needlessly break down and destroy their minimum sales unit.

Truck Owners Association of California, Pacific Coastwise Conference, McCormick Steamship Company, Los Angeles-San Francisco Navigation Company, Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company have advised the Commission that they concur in the petition.

Petitioners are apparently the only refiners interested in the movement of sugar from San Francisco and Crockett to the Los Angeles Basin area. It appears that the suggested restriction gives recognition to selling practices which those refiners now observe, that neither the interests of the public nor of the carriers will be prejudiced by its adoption and that this is a matter in which a public hearing is not necessary. The petition will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Item 90 of Appendix "A" to Decision No. 31208 of August 15, 1938, in the above entitled proceeding, be and it is hereby amended by adding the following paragraph:

"6. The weight of each component part shall be not less than 10,000 pounds."

In all other respects said Decision No. 31208 shall remain in full force and effect.

The effective date of this order shall be ten (10) days from the date hereof.

Dated at San Francisco, California, this 12th day of September, 1938.

Paul W. ...
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Commissioners