

Decision No. 32816

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of FORTIER TRANSPORTATION COMPANY, )  
a co-partnership, for authority ) Application No. 22548  
to charge less than minimum rates )  
under the provisions of the High- )  
way Carriers' Act. )

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 31768 of February 20, 1939, in the above entitled application, Fortier Transportation Company was granted authority under Section 11 of the Highway Carriers' Act to transport Coca Cola from the Coca Cola Bottling Company's plant at Fresno to its warehouses at Merced, Tulare and Hanford, in quantities of 1050 cases (equivalent to 38,850 pounds) for a rate of 4 cents per case, this rate to include free return of empty containers on return trips.<sup>1</sup> This authority will expire March 2, 1940. By supplemental application Fortier Transportation Company now seeks an extension of the authority for a two year period, the substitution of Visalia for Tulare as a destination point, and the addition of Porterville, Coalinga and Madera as destination points. The rate proposed to be charged from Fresno to Visalia and Madera is 4 cents per case, the same as that heretofore authorized to be charged from Fresno to Merced, Tulare and Hanford; and from Fresno to Porterville and Coalinga the proposed rate is 4½ cents per case.

It is explained in the supplemental application that the

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<sup>1</sup> The minimum rates at the time this authority was granted were those established by Decision No. 30370, as amended, in Case No. 4088, Part "U". Effective August 7, 1939, that decision was superseded by Decision No. 31606, as amended, in Case No. 4246.

Coca Cola Bottling Company is moving its warehouse from Tulare to Visalia and is establishing new warehouses at Porterville, Coalinga and Madera. It is stated that the amount of traffic moving between Fresno and Visalia will be approximately the same as that which heretofore moved between Fresno and Tulare; that the amount of traffic moving between Fresno, on the one hand and Porterville, Coalinga and Madera, on the other hand, will be approximately the same as that which has been moving between Fresno, on the one hand, and Merced, Tulare and Hanford, on the other hand. In all other respects, it is asserted the conditions existing at the time the original authority was granted are still existent to the same extent and in the same degree and manner. Operations during the past year under the authorized rates are alleged to have been profitable.

Common carriers operating in the territory involved advise that they have no objection to the granting of the supplemental application, providing it be limited to a one year period.

It appears that this is not a matter in which a further public hearing is necessary and that, under the circumstances set forth, extension of applicant's authority for a period of one year will be justified. The rates sought to the additional points appear to be reasonably related to those heretofore authorized to Merced, Tulare and Hanford and modification and enlargement of the authority, as sought, also will be granted. The order issued herein will cancel and supersede the authority granted by Decision No. 31768, supra.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Fortier Transportation Company be and it is hereby authorized to transport Coca Cola for Coca Cola Bottling Company of Fresno, from the Fresno plant of that company to

its warehouses at Merced, Madera, Visalia and Hanford for a rate of 4 cents per case, minimum 1050 cases; and from said Fresno plant to warehouses of said shipper at Coalinga and Porterville for a rate of 4½ cents per case, minimum 1050 cases; both of the aforesaid rates to include the return of empty containers only when transported on return trips.

IT IS HEREBY FURTHER ORDERED that the authority granted in the preceding ordering paragraph shall cancel and supersede the authority heretofore granted by Decision No. 31768 of February 20, 1939.

The authority herein granted shall expire one (1) year from the effective date hereof, unless sooner cancelled, extended or changed by appropriate order of the Commission.

This order shall become effective ten (10) days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of February, 1940.

Ray d. Wiley  
Frank D. Murphy  
R. A. W. W. W.  
H. H. H.  
Justice J. Caseman  
Commissioners.