

Decision No. 31565

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of FORTIER TRANSPORTATION COM-)
PANY, a co-partnership, for)
authority to charge less than)
minimum rates under the provi-)
sions of the Highway Carriers')
Act.)

Application No. 22548

ORIGINAL

BY THE COMMISSION:

THIRD SUPPLEMENTAL OPINION AND ORDER

By Decision No. 31768 of February 20, 1939, in the above entitled application, Fortier Transportation Company, a co-partnership, was authorized to transport coca cola for Coca Cola Bottling Company of Fresno from its Fresno plant to warehouses at Merced, Tulare and Hanford at a rate of 4 cents per case, minimum 1,050 cases, which rate included the return of empty containers when transported on return trips. The authority was made to expire on March 2, 1940. Upon supplemental application, and by Decision No. 32816 of February 13, 1940, the authority was extended to February 23, 1941, in so far as transportation to Merced and Hanford was concerned, and additional authority was granted to charge a rate of the same volume from said Fresno plant to warehouses at Madera and Visalia, and a rate of 4½ cents per case, minimum 1,050 cases, from said plant to warehouses at Coalinga and Porterville. Upon supplemental application and by Decision No. 33440 of August 24, 1940, Tulare was reinstated as a warehouse point taking the 4 cent rate. Fortier Transportation Company now seeks an enlargement of the authority by the addition of Los Banos as a destination point at a rate of 4½ cents per case, minimum 1,050 cases, for the transportation of the coca cola from Fresno and the return of empty containers from Los Banos to Fresno.

In support of the additional authority sought it is stated that the Coca Cola Bottling Company has established a warehouse at Los Banos to which shipments will be made from Fresno; that the proposed rate of 4½ cents per case is the same as that heretofore authorized to be charged from Fresno to Coalinga and Porterville; and that the constructive highway mileage from Fresno to Los Banos is 71 miles as compared with constructive highway mileages to Coalinga of 64 miles and to Porterville of 72 miles. It is asserted that the transportation to Los Banos will be conducted under circumstances and conditions similar to those surrounding transportation to Coalinga and Porterville and that shipments moving between Fresno and Los Banos can be handled without additional equipment.

Other carriers operating between the points involved have informed the Commission that they have no objection to the proposed rate provided its applicability is limited to a one-year period.

It appears that this is a matter in which a public hearing is not necessary. The additional authority sought should be granted but should be made to expire on the same date as that applying to the rest of this transportation.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Fortier Transportation Company, a copartnership, be and it is hereby authorized to transport coca cola for the Coca Cola Bottling Company of Fresno from the Fresno plant of that company to its warehouse at Los Banos for a rate of 4½ cents per case, minimum 1,050 cases; this rate 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 paragraph shall expire February 23, 1941, unless

sooner cancelled, changed or extended by appropriate order of the Commission.

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

Dated at San Francisco, California, this 17th day of September, 1940.

Ray & Riley
Frank R. Miller
Robert W. Baker
H. B. M.
Justin F. Caemen
Commissioners