

Decision No. 32412

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of)
just, reasonable and non-discriminatory)
maximum or minimum or maximum and mini-)
mum rates, rules, classifications and)
regulations for the transportation of)
property for compensation or hire over)
the public highways of the City of Los)
Angeles.)

Case No. 4121

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By petition filed July 3, 1941, eleven manufacturers,¹ distributors and marketers of fertilizers situated in the Los Angeles drayage area seek exemption of that property from the minimum rates, rules and regulations heretofore established in this proceeding for transportation by for-hire carriers operating in that area.² Petitioners represent that they are in keen and direct competition with other fertilizer manufacturers, distributors and marketers not affected by the prescribed drayage rates. Rates on fertilizers, it is pointed out, have not been established from Downey, Moneta, Norwalk, Monterey Park, Garden Grove, Whittier, Gardena, El Monte, Ontario, Puente, Long Beach and Pasadena, the points where petitioners' competitors are said to be located, to the Los Angeles drayage area.³ This, petitioners represent, has

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They are: Eric A. Allen, Bandini Fertilizer Co., Inland Fertilizer Co., K. Inauki Co., J. A. MacDonald Co., Pacific Guano Co., M. W. Park & Co., Plant Food Corp., Southwestern Supply Co., Sun Fertilizer Co., Southern California Fertilizer Co.

2

The rates, rules and regulations applicable to the transportation in question have been established by Decision No. 32504 (42 C.R.C. 239), as amended, and have been incorporated in City Carriers' Tariff No. 4, Highway Carriers' Tariff No. 5.

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Fertilizers as described in Items Nos. 535, 540 and 550 of the Exception Sheet have been exempted from the rates established in Case No. 4246 in re Rates of All Common and Highway Carriers.

permitted their competitors to secure transportation at materially lower rates than those required to be paid within the drayage area.

It is alleged that due to the disparity of rates, petitioners' competitors have been able to "invade" and "practically monopolize" the retail fertilizer market in the drayage area, causing petitioners to lose numerous customers and a great many sales. This competition, it is asserted, cannot be met under existing conditions and petitioners are said to face a substantial further loss of patronage in the local market unless their petition be granted.

Petitioners have notified all parties of record of the proposed exemption. No protest against the granting of the relief sought has been received by the Commission.

It appears that this is a matter in which a public hearing is not necessary and that under the competitive conditions disclosed by the record petitioners' request is reasonable and should be granted. These conclusions are without prejudice to such other and different conclusions which may be reached when and if the competitive situation is altered. Therefore, good cause appearing,

IT IS HEREBY ORDERED that City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5 (Appendix "A" of Decision No. 32504, as amended) be and it is hereby further amended by substituting for the corresponding page now contained therein, to become effective August 15, 1941, the revised page attached hereto and by this reference made a part hereof, which page is numbered as follows:

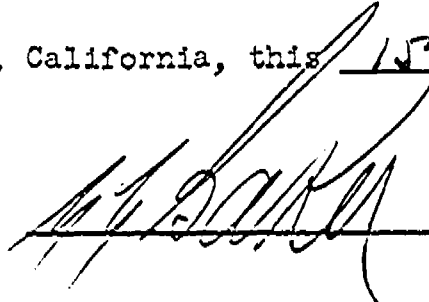
Third Revised Page 13 (Cancels Second Revised Page 13)

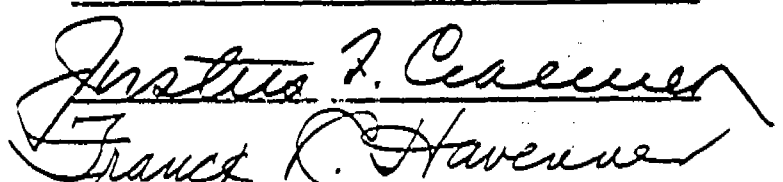
IT IS HEREBY FURTHER ORDERED that tariff filings herein authorized to be made by common carriers may be made effective not earlier than August 15, 1941, and on not less than three (3) days' notice to the Commission and to the public if published to become effective on that date.

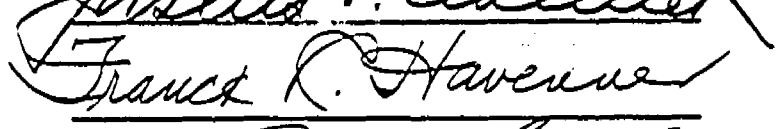
IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 32504, as amended, shall remain in full force and effect.

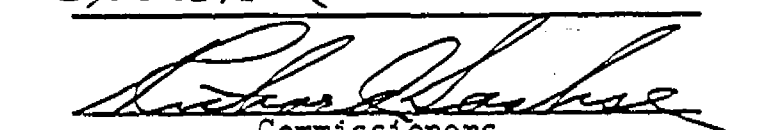
This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 15th day of July, 1941.








Commissioners

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CITY CARRIERS' TARIFF NO. 4
HIGHWAY CARRIERS' TARIFF NO. 5

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>40-B Cancels 40-A</p>	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply for the transportation of all commodities except the following:</p> <ul style="list-style-type: none"> Accessories and Supplies, motion picture, Baggage, viz.: personal baggage and baggage containing sample merchandise, transported from or to a depot, dock or other point where passengers are discharged or received by common carriers, Buttermilk, in milk shipping cans or in bottles in cases or crates, Carriers (used packages), empty, returning from an outbound paying load, or being forwarded for a return paying load of traffic for which rates are not provided in this tariff (Subject to Rule No. 130 series of the Exception Sheet), Commodities weighing 100 pounds or less per package or per piece, delivered from retail stores, Commodities transported in bulk in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles, Commodities picked up or delivered for common carriers as defined in the Public Utilities Act, or for radial highway common or highway contract carriers as defined in the Highway Carriers' Act, when the property is in the custody of such carriers for transportation from or to points not included in the zones described in Items Nos. 30, 31, 32 and 33 series, under rates which include pickup or delivery at points within the said zones, Commodities when transported in dump trucks, for which rates are provided in Decision No. 32566 of November 14, 1939, as amended, in Cases Nos. 4246 and 4434, Cream, in milk shipping cans or in bottles in cases or crates, Directories, telephons, •Fertilizers, as described in Items Nos. 535, 540 and 550 series of the Exception Sheet, Film, motion picture, Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores, Live stock, Milk, in milk shipping cans or in bottles in cases or crates, Used property, viz.: household goods, office and store fixtures and equipment, as described in and for which rates are provided in City Carriers' Tariff No. 3, Highway Carriers' Tariff No. 4, (Appendix "A" of Decision No. 32629 of December 7, 1939, or as amended, in Cases Nos. 4246 and 4434), and used property as described therein transported for the United States, state, county or municipal governments, Voting Booths, ballot boxes, election tents and election supplies when transported from or to polling places.
	<p>•Reduction, Decision No. 344/2 EFFECTIVE AUGUST 15, 1941.</p>
<p>Correction No. 21</p>	<p style="text-align: center;">Issued by The Railroad Commission of the State of California, San Francisco, California.</p>