

Decision No. 38262

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
FORTIER TRANSPORTATION CO., a co- )  
partnership, for authority to depart )  
from the rules and regulations of ) Application No. 26241  
Highway Carriers Tariff No. 2, under )  
the provisions of the Highway Carriers )  
Act. )

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

Decision No. 37338 of September 20, 1944, in this proceeding, authorized applicant to deviate from the requirements of Decision No. 31606 (41 C.R.C. 671), as amended, in Case No. 4246, in connection with the transportation of groceries and other articles for Better Buy Grocery Company. The authority is limited to shipments forwarded from Fresno to points within 120 miles of that city and is scheduled to expire on October 10, 1945. It relieves applicant from classifying the property according to the commodities actually shipped and from determining separate weights for the component parts of split delivery shipments. Applicant is authorized to assign weighted average percentages, developed from classification studies of the property handled during a two-year period, to the traffic involved and to observe a flat split delivery rate in lieu of rates varying with the weights of the component parts of split delivery shipments. These arrangements were permitted upon a showing that the aggregate revenue accruing to the carrier would not be reduced thereby; and that their establishment was necessary in the face of the serious man power shortage affecting both applicant and the interested shipper and in order to retain the business to for-hire carriage. A one-year extension of the outstanding authority is now sought.

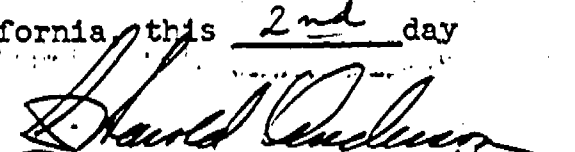
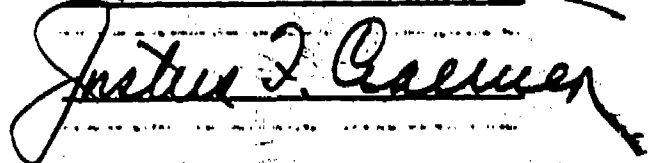
The verified application shows that the conditions under which the authority was granted still exist and that the need for the relief involved continues unchanged. It fails to establish, however, that these conditions may reasonably be expected to continue for the period of the sought extension. In granting the authority, the Commission pointed out that under ordinary circumstances it would not approve rates which do not differentiate between commodities possessing widely varying transportation characteristics but that their approval in this case would, limited to the emergency, conserve much needed man power and not affect others adversely. Applicant originally limited its request for relief to a period to expire 6 months after cessation of the war. Extension of authority to cover this period appears justified. A public hearing is not necessary at this time.

Therefore, good cause appearing,

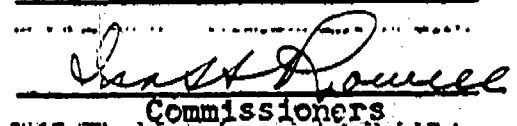
IT IS HEREBY ORDERED that the expiration date of the authority granted W.J. Fortier and R.A. Fortier, copartners doing business as Fortier Transportation Company, by Decision No. 37338, in this proceeding, be and it is hereby extended to February 15, 1946, unless sooner canceled, changed or extended by appropriate order of this Commission.

The effective date of this order shall be October 10, 1945.

Dated at San Francisco, California, this 2nd day of October, 1945.



  
Commissioners