

ORIGINAL

Decision No. 44777

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
FRED WINKLER, SR., RALPH WINKLER,)
HERMAN WINKLER and STANLEY WINKLER,)
co-partners, doing business as)
WINKLER BROTHERS TRANSPORTATION for)
authority to charge less than the)
minimum rates under the provisions)
of the Highway Carriers' Act.)

Application No. 31728

OPINION AND ORDER

The applicant, a copartnership, is a highway contract carrier. For some time it has been transporting cement for the Calaveras Cement Company from Kentucky House to a point near Los Banos, for use in construction of the Delta-Mendota Canal of the Central Valley Project. The contract rate for this movement has been 12 cents per 100 pounds, the minimum rate applicable between the points involved. The movement is expected to be completed not later than November 15, 1950. The minimum rate has been increased to 15 cents effective September 15, 1950, by Decision No. 44633 of August 3, 1950, in Case No. 4808. Applicant seeks authority to continue to assess the 12-cent rate until November 15, 1950, or until earlier completion of the movement.

The verified application shows that the transportation is performed on a 24-hour 7-day week basis, that the shipper arranges for loading and unloading of applicant's equipment promptly and efficiently, and that these circumstances result in better-than-average use of applicant's equipment. Studies made by applicant indicate that the 12-cent rate will more than cover operating, maintenance and repair costs, including depreciation, taxes and licenses, and will make some contribution toward overhead costs and profit.

The shipper now operates proprietary equipment. Its traffic manager has stated unequivocally that if the authority here sought is not granted his company will complete the movement with proprietary trucks. The traffic manager has also stated that the contract to supply the cement was negotiated in 1949 and that his company considers the then unforeseen 3-cent increase would be a substantial burden on it.

Competing carriers and other cement companies have been advised of this application and have offered no objection to the granting of the sought relief.

It appears that this is a matter in which a public hearing is not necessary; and that, in the circumstances, the proposed rate will be reasonable.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby granted.

This order shall become effective September 15, 1950.

Dated at San Francisco, California, this 11th day of September, 1950.

R. E. Zimmerman
Justice F. Casper
W. A. Howell

Commissioners