

ORIGINAL

Decision No. 48863

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of JOHN T. CHALKE, an individual, )  
for authority to depart from )  
established minimum rates, rules )  
and regulations. )

Application No. 34192

Appearances

Ernest F. Shelander, for applicant.

James F. Bartholomew, for Signal Trucking Service, Ltd., interested party.

John B. Robinson, for Southern California Freight Forwarders and Southern California Freight Lines, interested party.

C. S. Abernathy of the staff of the Public Utilities Commission of the State of California.

O P I N I O N

By this application as amended, John T. Chalke, an individual, seeks authority to depart from the established minimum rates, rules and regulations in connection with the transportation of groceries and related articles on behalf of The Great Atlantic & Pacific Tea Company.<sup>1</sup>

Public hearing was held before Examiner Bryant at Los Angeles on July 2, 1953. Evidence in support of the application was introduced through exhibits and the testimony of the applicant, of a department manager of The Great Atlantic & Pacific Tea

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<sup>1</sup> The application was filed on March 27, 1953, and amended on May 25, 1953, on June 25, 1953, and at the hearing.

Company, and of a consulting rate and tariff witness. No one opposed granting of the application. The matter is ready for decision.

Applicant does not propose any actual departure from the minimum rates but only from the classification, split delivery and documentation requirements of the tariffs. The evidence shows that the resulting charges under the relief herein sought would be slightly higher than those which would result from the strict application of the provisions of the minimum rate tariffs. The relief sought is in all respects identical to that which has heretofore been granted to another carrier<sup>2</sup> which performs like service for the same shipper.

The justification advanced in support of the instant application was essentially the same as that advanced in the Signal application as recited in Decision No. 45797, supra. In essence, the evidence shows that there is a regular and continuing movement of goods from the shipper's warehouse to its retail stores, with little material variation in the commodities from week to week or month to month. The necessity of classifying and weighing separately each of the innumerable commodities and articles under such circumstances, in order to determine the charges under the established minimum rate tariffs, is costly and time-consuming, and interferes with the maintenance of required delivery schedules. Because of the regularity of

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<sup>2</sup> Decision No. 45797, dated June 5, 1951, in Application No. 31378, Signal Trucking Service, Ltd., as supplemented by Decision No. 47287, dated June 17, 1952, and Decision No. 48643, dated May 26, 1953.

movement, applicant and the shipper wish to use a formula based upon a sample in lieu of classifying each shipment separately, to apply composite rates based thereon, and to assume equal division of split-delivery shipments in lieu of weighing each component part separately. In all other respects the rates and charges would be determined in strict accordance with the established minimum rate tariffs.

The record is convincing that granting of the sought authority will tend to promote economy and efficiency in the transportation operations herein involved, and will have no adverse effect upon any other carrier or shipper nor upon the maintenance of the established minimum rate structures. Upon careful consideration of all of the facts and circumstances of record, the Commission is of the opinion and finds as a fact that, to the extent provided in the following order, deviations from provisions of the minimum rate orders as proposed in this proceeding will be reasonable and consistent with the public interest within the meaning of Sections 3666 and 4015 of the Public Utilities Code. Because circumstances may change, however, the authority will be made to expire as hereinafter provided unless sooner canceled, changed or extended by appropriate order of the Commission.

O R D E R

Public hearing having been had in the above-entitled application and based upon the findings and conclusions set forth in the preceding opinion,

IT IS HEREBY ORDERED that John T. Chalke, an individual, be and he is hereby authorized to depart from the provisions of the minimum rate orders otherwise applicable to the services

which he performs for The Great Atlantic & Pacific Tea Company to the extent specifically provided in Appendix "A" which is attached hereto and by this reference made a part hereof.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire with June 25, 1954, unless sooner canceled, changed or extended by order of the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of July, 1953.

R. J. [Signature]  
President  
Justice F. [Signature]  
Harold [Signature]  
Samuel [Signature]  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX "A"

The authority herein granted applies only in connection with property transported by John T. Chalke (hereinafter called "the carrier") for The Great Atlantic & Pacific Tea Company (hereinafter called "the shipper") between points in southern California area south or southerly of, and including, the cities of Santa Barbara and Taft.

Section I

The authority granted in this section applies only to shipments of property which originate at shipper's warehouse located at 4527 Loma Vista Avenue, Los Angeles and which are delivered to shipper's retail stores in southern California area as above described.

Item 1. The carrier is authorized to classify, for rate purposes, shipments of property (see Note) which are subject to the provisions of this Section as follows:

(a) Shipments subject to a minimum weight of 20,000 pounds:

<u>Percent of total weight of shipment</u>	<u>Rate as</u>
.128	110% of 1st Class
1.377	1st Class
4.939	2d Class
6.444	3rd Class
85.801	4th Class
1.311	90% of 4th Class

(b) Shipments subject to a minimum weight of less than 20,000 pounds:

Rate as third class.

Note: The term "property" as used in this item means those articles of merchandise and store supplies listed in Exhibit No. 1 of record in this proceeding and merchandise and store supplies of similar nature or purpose.

Item 2: The carrier is authorized to assess and collect charges for the transportation of property classified in accordance with the provisions of Item 1 above on the basis of composite rates, which rates are to be determined in accordance with the method set forth in Exhibit No. 11 of record in this proceeding.

- Item 3. In connection with the computation and collection of charges for a shipment transported in split-delivery service, the carrier is authorized to apply the additional charges provided in Item No. 170 series of Highway Carriers' Tariff No. 2 and in Item No. 180 series of Highway Carriers' Tariff No. 8 on the basis of the average weight, instead of the actual weights, of several component parts of the shipment.

Section II

- Item 1. The carrier is authorized to use, in lieu of other shipping documents, the forms of documents submitted as part of Exhibit No. 3 in Application No. 31378, provided that:
- (a) The documents shall contain all of the information necessary for an accurate determination of the applicable rates and charges; and
  - (b) The documents covering each shipment, if separated, shall be cross-referenced and filed in a manner permitting ready assembly.

The term "groceries" may be used to identify collectively, in the shipping documents herein authorized, the various articles of merchandise and other property which are classified in accordance with the provisions of Item 1, Section I, above.

(End of Appendix)