

A.28709 (9th Supp.)-AMS

Decision No. 52266

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application) Application No. 28709
of John T. Lane for an order) (Ninth Supplemental)
granting permission to charge)
less than the minimum rates on)
shipments transported for The)
Coca-Cola Company.)

TENTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds a highway contract carrier permit. Prior orders in this proceeding have authorized him, under Section 3666 of the Public Utilities Code, to charge rates less than the established minimum rates for the transportation of syrup and empty containers for The Coca-Cola Company between specified points in northern and central California. In addition, applicant is authorized to transport pallets without charge. The authority is scheduled to expire December 2, 1955. Extension of the authority for a further one-year period is now sought.

The supplemental application states that, except for increased driver costs, the conditions which justified deviation from the minimum rates still obtain and that improvement in operating conditions has offset the increased costs.

A statement attached to the application shows that operations under the authorized rates have been profitable and may reasonably be expected to be profitable for the ensuing year.

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable. The supplemental application will be granted. To prevent a lapse of applicant's authority, the order will be made effective December 2, 1955. The special rate authority herein sought and granted is not applicable to common carrier services.¹ Applicant holds a radial highway common carrier permit as well as the contract carrier permit. Section 3542 of the Public Utilities Code forbids a carrier to operate both as a common carrier and as a highway contract carrier of the same commodities between the same points. The authority hereinafter granted will contain necessary restrictions to avoid conflict with the statutory prohibitions.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

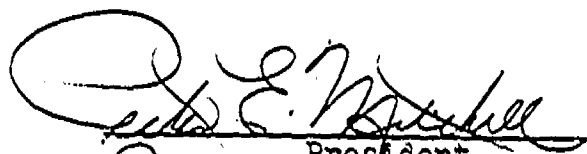
(1) That the expiration date of the authority granted to John T. Lane by Decision No. 40914 of November 12, 1947, as amended, in this proceeding, be and it is hereby extended to December 2, 1956, unless sooner changed or further extended by order of the Commission.

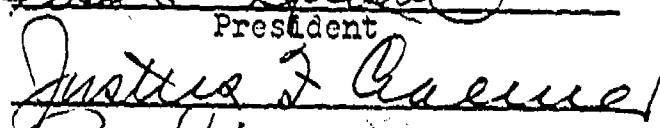
¹ Section 3666 of the Public Utilities Code reads as follows:
"If any highway carrier other than a common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate."

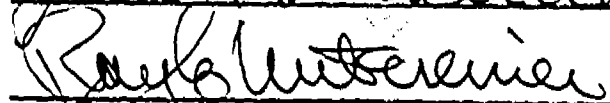
(2) That any transportation performed by applicant as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

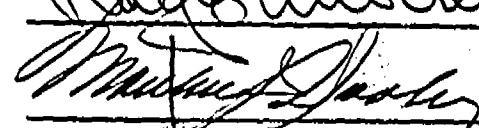
This order shall become effective December 2, 1955.

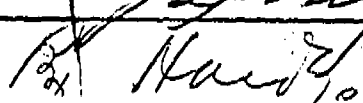
Dated at San Francisco, California, this 22nd day of November, 1955.



President








Commissioners