

ORIGINALDecision No. 52342

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 RAY SCHNEYER TRANSPORTATION COMPANY,)
 a California Corporation, for)
 authority to charge less than minimum)
 rates, pursuant to Section 3666 of)
 the Public Utilities Code, for the) Application No. 35738
 transportation of glass fruit jars) (First Supplemental)
 and equipment, glass packer jars,)
 glass bottles, jelly glasses, jar)
 tops, caps, discs or tops, and)
 rubber jar rings for Ball Brothers)
 Company, Inc.)

FIRST SUPPLEMENTAL OPINION AND ORDER

Applicant holds contract and city carrier permits. By Decision No. 50843 of December 7, 1954, in this proceeding, it was authorized to deviate from the minimum rates otherwise applicable to transportation of glass bottles, jars, caps and related articles for Ball Brothers Company, Inc. For transportation to points within a 50-mile radius of the shipper's plant at El Monte, the authority allows the use of specified rates, based upon distance and weight, which are less than the rates in Minimum Rate Tariff No. 2. These authorized rates are subject to minimum charges not less than the charges which would accrue under the hourly rates in Minimum Rate Tariff No. 5. The authority is scheduled to expire December 27, 1955.

By supplemental application the corporation seeks a one-year extension of the authority with an increase in the rates, to be applied as a surcharge of five percent, to correspond with the amount of an interim increase recently made in Minimum Rate Tariff No. 2.¹ The supplemental application states that the conditions

¹ Decision No. 51688 of July 18, 1955, in Case No. 5432, Petition for Modification No. 62. Applicant also requests that, in the event the Commission adjusts the interim increase in Minimum Rate Tariff No. 2 to a permanent increase of less than five percent in any one of the articles involved, it be allowed to discontinue the proposed five percent increase in the authorized rates effective upon the same day which the permanent increase becomes operative. This request, resting as it does upon speculative future contingencies, is not properly made at this time.

which justified deviation from the minimum rates still obtain. It shows that operations under the authorized bases of rates have been compensatory, and asserts that the proposed increased rates will permit applicant to enjoy favorable operating results for the ensuing year.

In the circumstances it appears, and the Commission finds, that the proposed bases of charges, with the 5 percent surcharge, are reasonable. Except as noted in Footnote 1, supra, the application will be granted. This is a matter in which a public hearing is not necessary.

The special rate authority herein sought and granted is not applicable to common carrier services.² Applicant holds a radial highway common carrier permit as well as the contract and city carrier permits. Section 3542 of the Public Utilities Code forbids carriers 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 Appendix 1 to Decision No. 50843 of December 7, 1954, in this proceeding, be and it is hereby amended by providing that the rates therein authorized shall be increased by 5 percent in the form of a surcharge to the bases computed therefrom, with fractions of less than one-half cent dropped and fractions of one-half cent or greater increased to the next cent;

²

Section 3666 of the Public Utilities Code reads as follows:

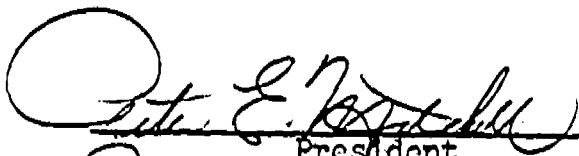
"If any highway carrier other than a common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate."

(2) That the aforesaid authority, as so amended, be and it is hereby extended to December 27, 1956, unless sooner canceled, changed or further extended by order of the Commission;

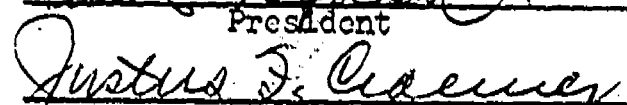
(3) That any transportation performed by applicant as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

This order shall become effective December 27, 1955.


Dated at San Francisco, California, this 12th day of December, 1955.



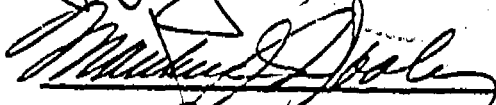
President



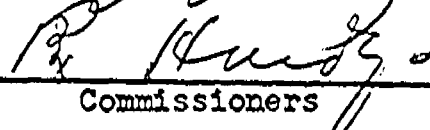
Justus J. [unclear]



Paul [unclear]



[unclear]



Commissioners