

**ORIGINAL**Decision No. 52343

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
WALKUP DRAYAGE & WAREHOUSE COMPANY, )	
a corporation, for authority to )	
depart from the rates, rules and )	
regulations of Minimum Rate Tariff )	Application No. 37490
No. 2 for transportation service )	
rendered S & W Fine Foods and )	
Equitable Cash Grocery. )	

OPINION AND ORDER

Applicant holds a city carrier permit and a highway contract carrier permit. Prior orders in Application No. 20520 and supplements thereto have authorized it, under Section 4015 of the Public Utilities Code, to deviate from the minimum rates in connection with transportation services performed for S & W Fine Foods and Equitable Cash Grocery within the City and County of San Francisco. By Application No. 37490, Walkup Drayage & Warehouse Company seeks similar authority under Section 3666 of the Public Utilities Code to continue to deviate from the minimum rates for transportation from and to a new plant of S & W Fine Foods and Equitable Cash Grocery. The authority is sought for a period to expire June 5, 1956, the expiration date of the existing authority under Application No. 20520.

According to the instant application, the shipper's new plant is so located that it is bisected by the boundary line of the City and County of San Francisco and the County of San Mateo. Deliveries to and from the plant will require traversing, for a short distance, highways in San Mateo County. Applicant further states that the facts and circumstances which supported the rate deviations within the city remain unchanged, and require that the same deviations be authorized to and from the new plant. Applicant also

states that operations to and from the new plant will commence on December 15, 1955, at which time operations to and from the present plant located wholly within the City and County of San Francisco will cease.

Whether the facts and circumstances which supported the special rates heretofore authorized within the city are the same as or different from those which will obtain at the new plant cannot be determined from the allegations of the application. Moreover, it has come to the Commission's attention that the applicant corporation herein may be the alter ego of Merchants Express Corporation, a highway common carrier, which latter company has operative rights to transport general commodities between points involved in this application.<sup>1</sup> The special rate authority herein sought under Section 3666 of the Public Utilities Code is not applicable to common carrier services.

Upon consideration of all of the circumstances, the sought authority will be granted for a ninety-day period in order to allow applicant additional time to offer further justification in support of the new authority. Inasmuch as the operations at the new plant are expected to commence on December 15, 1955, the order will be made effective on the date hereof.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Walkup Drayage & Warehouse Company, a corporation, be and it is hereby authorized to transport commodities for S & W Fine Foods and Equitable Cash Grocery, as described in and subject to the conditions and restrictions set forth in Appendix "A" attached hereto and made a part hereof, between the plant of said companies and points within the City and

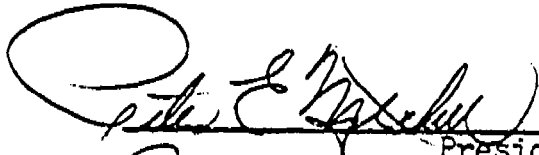
<sup>1</sup>

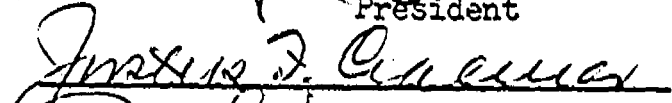
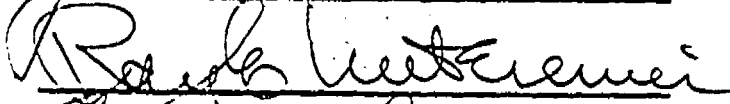

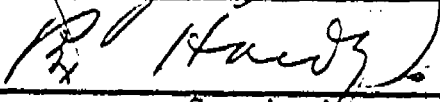
Section 3542 of the Public Utilities Code reads as follows: "No person or corporation shall engage or be permitted by the Commission to engage in the transportation of property on any public highway, both as a common carrier and as a highway contract carrier of the same commodities between the same points."

County of San Francisco at rates less than the minimum rates established for such transportation but not less than the rates shown in said Appendix "A"; and that the authority herein granted shall expire March 14, 1956.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of December, 1955.

  
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President

  
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Commissioners

APPENDIX "A" TO DECISION NO. 52343

Commodities transported for S & W Fine Foods and Equitable Cash Grocery in quantities of not less than 24,000 tons per calendar year:

Not Otherwise Specified:  
(Weight of Shipment)

	100 pounds and under	\$1.00 per shipment
Over	100 pounds to 500 pounds	1.50 per shipment
Over	500 pounds to 1,000 pounds	1.80 per shipment
Over	1,000 pounds to 2,000 pounds	2.50 per shipment
Over	2,000 pounds to 4,000 pounds	.12-1/2 per 100 pounds
Over	4,000 pounds to 5,000 pounds	5.00 per shipment
Over	5,000 pounds	.10 per 100 pounds

Shipping:  
(Weight of Shipment)

	400 pounds and under	\$1.00 per shipment
Over	400 pounds to 1,000 pounds	1.30 per shipment
Over	1,000 pounds to 1,500 pounds	1.90 per shipment
Over	1,500 pounds to 2,000 pounds	2.50 per shipment
Over	2,000 pounds to 4,000 pounds	.12-1/2 per 100 pounds
Over	4,000 pounds to 5,000 pounds	5.00 per shipment
Over	5,000 pounds	.10 per 100 pounds

Deliveries in San Francisco (1) \$3.40 per ton

Except as otherwise provided herein, rates and charges named in this appendix are subject to the rules and regulations provided in Minimum Rate Tariff No. 2.

- (1) Not subject to the provisions of tailgate loading and tailgate unloading as defined in Item No. 11-E of Minimum Rate Tariff No. 2.

End of Appendix