

ORIGINAL

Decision No. 52503

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Export Forwarders, Inc., for an)	
order granting permission to charge)	Application No. 29875
less than the minimum rates on)	(Seventh Supplemental)
shipments for The Coca-Cola Company.)	

SEVENTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds a highway contract carrier permit. Prior orders in this proceeding have authorized it, under Section 3666 of the Public Utilities Code, to deviate from the minimum rates in connection with the transportation of syrup and empty syrup containers for The Coca-Cola Company between specified points in southern California. The authority is scheduled to expire February 7, 1956. Extension of the authority for a further one-year period is now sought.

The supplemental application states that, while there have been some increases in the cost of operation, the conditions which justified deviation from the minimum rates still obtain and that improvement in operating conditions and increased volume of traffic have 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. The order will be made effective February 7, 1956. The special rate authority herein sought and granted is not applicable to common carrier services.¹ Applicant holds a radial highway

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."

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 authority granted Export Forwarders, Inc., by Decision No. 42423 of January 18, 1949, as amended, in this proceeding be and it is hereby extended to February 7, 1957, unless sooner changed or further extended by order of the Commission.

(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 February 7, 1956.

Dated at San Francisco, California, this 23rd day of January, 1956.

President

Commissioners