

ORIGINAL

Decision No. 53881

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of SECURITY TRUCK LINE, a corporation, for an order authorizing departure from the rates, rules and regulations of Minimum Rate Tariff No. 2, pursuant to the provisions of Section 3666 of the Public Utilities Code for the transportation of canned goods between Sacramento and Suisun-Fairfield.

} Application No. 38368

OPINION AND ORDER

Applicant holds a highway contract carrier permit. It transports canned goods for the Campbell Soup Company between its plant in Sacramento and the warehouse of Doyle Draying and Warehousing Co., Inc., in Suisun-Fairfield. By this application it seeks authority to deviate from the established minimum rates, under Section 3666 of the Public Utilities Code, by assessing a rate of 14.445 cents per 100 pounds, minimum weight 40,000 pounds, for this transportation. The applicable minimum rate is equivalent to 18.19 cents per 100 pounds, minimum weight 30,000 pounds. It is also requested that the order be made effective on the date of its issuance.

The application states that the operation in question is surrounded by unusually favorable conditions such as (1) a substantial volume of traffic consisting of shipments weighing in excess of 40,000 pounds each; (2) loading and unloading available at origin and destination at all times of the day; (3) loading and unloading performed by lift trucks furnished without cost to applicant; and (4) excellent highway conditions making possible fast time in transit. A cost study submitted with the application shows that the proposed rate would return costs and make provision for profit.

Interested parties have been notified of the filing of the application. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rate is reasonable. This is a matter in which a public hearing is not necessary. The application will be granted except in connection with applicant's proposal that the order be made effective immediately. That request has not been justified.

The special rate authority herein sought and granted is not applicable to common carrier services.¹ Applicant holds a permit as a radial highway common carrier as well as a contract carrier. Section 3542 of the Public Utilities Code forbids carriers to operate both as a common and as a 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. Because the conditions which justify the granting of the sought authority may change, the authority will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That Security Truck Line, a corporation, be and it is hereby authorized to transport canned goods as described in

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."

Item No. 610 series of Minimum Rate Tariff No. 2, for Campbell Soup Company, between Sacramento and Suisun-Fairfield at a rate less than the applicable minimum rate, but not less than 14.445 cents per 100 pounds, minimum weight 40,000 pounds.


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

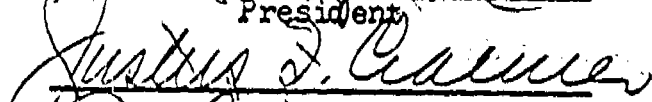
(3) That the authority herein granted shall expire one year after the effective date of this order, unless sooner canceled, changed or extended by order of the Commission.


(4) That in all other respects Application No. 38368 be and it is hereby denied.


This order shall become effective twenty days after the date hereof.

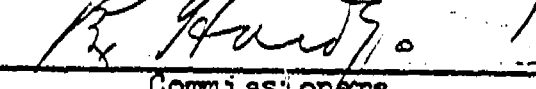
Dated at San Francisco, California, this 9th day of October, 1956.



President








Commissioners