

Decision No. 57540**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into
 the rates, rules and regulations, charges,
 allowances and practices of all common
 carriers, highway carriers and city car-
 riers relating to the transportation of
 any and all commodities between and
 within all points and places in the State
 of California (including, but not limited
 to, transportation for which rates are
 provided in Minimum Rate Tariff No. 2).

Case No. 5432
 Petition for Modification
 No. 119

John G. Lyons of Vaughan, Paul & Lyons, for
 Fort Sutter Warehouse Co., petitioner.
J. C. Kaspar, A. D. Poe and J. X. Quintrall,
 for California Trucking Associations, Inc.,
 protestant.
Fred A. Wiren, for the Sacramento City and
 County Chamber of Commerce, interested party.

O P I N I O N

Minimum Rate Tariff No. 2 names rates for the transportation of general commodities between all points in California except for local transportation within incorporated cities, within described areas adjacent to certain cities, and between said cities and the adjacent areas. One of these areas includes the cities of Sacramento, North Sacramento and West Sacramento and designated industrial plants adjacent to those cities. By this petition, Fort Sutter Warehouse Co. seeks to have its warehouse included in the Sacramento area exempted from the minimum rates. The warehouse in question is located adjacent to, but outside the city limits of the City of Sacramento at Tenth and North B Streets.

A public hearing was held before Examiner William E. Turpen in Sacramento on September 29, 1958. Evidence in support of the petition was offered by petitioner's president. The granting of the petition was opposed by California Trucking Associations, Inc. Its

participation was confined to examination of the witness and to closing argument.

Petitioner's president testified that his company has just recently been organized and started operating as a public utility warehouse in August, 1958. The witness stated that, to his knowledge, all other public utility warehouses in the area are either within the city limits of Sacramento or are included in the exempt area named in paragraph (e) of Item No. 30 Series of Minimum Rate Tariff No. 2. As a result, according to the witness, shippers are required to observe the minimum rates on local shipments to and from petitioner's warehouse, whereas on shipments to and from competing warehouses the minimum rates do not apply, which gives petitioner's competitors an advantage. He also stated that his company's warehouse is commercially a part of Sacramento and in that respect does not differ from the other industrial plants now included in the Sacramento exempted area.

Petitioner was supported in its request by a representative of the Sacramento City and County Chamber of Commerce.

The California Trucking Associations, Inc., opposed the granting of the petition. The research director of the Association pointed out that there have been several petitions to add various industries to the Sacramento exempt area by name. He stated that his organization is opposed to this method of enlarging the area.

With respect to the Association's protest, the Commission has consistently given recognition to the principle that movements within a commercial area, when transportation characteristics are substantially uniform, should be given like treatment as to rates. Minimum rates for the transportation of general commodities between points in Sacramento have not been established. Therefore, in the absence of such rates, where establishments are shown to be a part of the Sacramento commercial area, the Commission has consistently

amended the minimum rate tariff to extend the Sacramento exempt area to embrace such establishments. If it is believed that the tariff description of said exempt area should be revised by substituting metes and bounds designations for the names of individual establishments, where the latter are now shown, or that some other method should be used, the matter may be brought to the Commission's attention by the filing of an appropriate petition.

Upon careful consideration of the evidence of record we are of the opinion and hereby find that the relief sought herein has been justified. The petition will be granted.

By Decision No. 57541, entered today, in connection with Case No. 5432 (Petition No. 112), the request of Sierra Distributing Ltd., for enlargement of the Sacramento area to include the plant of Procter & Gamble Manufacturing Company was granted. In the interest of economy, the relief authorized by this decision has been incorporated in the amended tariff page to Minimum Rate Tariff No. 2 appended to the above decision.

O R D E R

Based on the evidence of record and on the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED that Petition No. 119, in Case No. 5432, is hereby granted.

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

Dated at San Francisco, California, this 28th day of October, 1958.

C. Lynn Fox
President
Paul J. ...
Theodore ...
Commissioners