

Decision No. 57618

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
John T. Lane for an order granting) Application No. 28709
permission to charge less than the) (Twelfth Supplemental)
minimum rates on shipments trans-)
ported for The Coca-Cola Company)

THIRTEENTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits. Prior orders in this proceeding have authorized him, as a highway contract carrier, under Section 3666 of the Public Utilities Code, to assess rates less than the applicable minimum rates for the transportation of syrup and empty containers and to transport pallets without charge for The Coca-Cola Company between specified points in northern and central California. The authority is scheduled to expire December 2, 1958. Permission is sought to continue to deviate from the minimum rates for a further one-year period. Applicant proposes to increase the authorized rates for the return of empty syrup containers and to broaden the authority to include shipments to and from a newly established plant at North Sacramento at the same rates as are applicable at Sacramento.¹ No changes are sought in the authorized rates on shipments of flavoring syrup nor in the authorized split delivery charges.

The supplemental application shows that, except for increased labor costs, the conditions which justified deviation from the minimum rates still obtain. It also shows that the proposed increase in the rates for the empty containers will offset the

¹The proposed increased rates, applicant states, became effective November 1, 1958 by agreement with the shipper.

higher labor costs and that operations under the sought rates may reasonably be expected to be profitable during the ensuing year. A profit and loss statement submitted by applicant indicates that a satisfactory return was received from the operation during the year ending September 30, 1958. The Transportation Division staff has reviewed the factual data submitted with the application and has recommended granting the sought authority.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. The supplemental application will be granted. A public hearing is not necessary. In view of the expiration date of the current authority, the following order will be made effective December 2, 1958.

The special rate authority herein sought and granted is not applicable to common carrier services.² 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.³ In view of the contract operation involved in this proceeding, a necessary limitation will be placed upon applicant's radial highway common carrier permit to preclude the dual operations prohibited by Section 3542 of the Code.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That John T. Lane is hereby authorized to transport flavoring syrup and empty containers for The Coca-Cola Company

²Section 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."

³Section 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 or as a common carrier and a petroleum contract carrier of the same commodities between the same points."

between San Francisco and the points set forth in Appendix "A", attached hereto and by this reference made a part hereof, at rates no lower than those set forth in Appendix "A" hereof in lieu of the minimum rates otherwise applicable to such transportation.

(2) That John T. Lane is hereby further authorized to transport pallets without charge in connection with the transportation involved in this proceeding.

(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 the permit of John T. Lane to operate as a radial highway common carrier is hereby conditioned as follows:


"This permit shall not authorize the transportation of:


1. Flavoring syrup from San Francisco to:

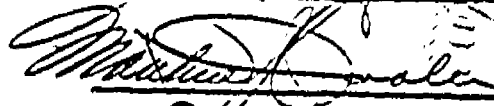
Burlingame, Eureka, Fresno, Hayward, Marysville, Merced, Modesto, Monterey, Napa, Oakland, Palo Alto, Petaluma, Pittsburg, Sacramento, North Sacramento, Salinas, San Jose, San Mateo, San Rafael, Santa Cruz Santa Rosa, Stockton, Vallejo, Visalia and Watsonville."

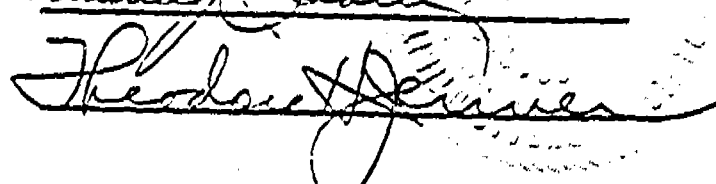
This order shall become effective December 2, 1958.

Dated at San Francisco, California, this 25th day of November, 1958.



President






Commissioners

APPENDIX "A" to Decision No. 57618

Rates on Flavoring Syrup in Bulk in barrels or drums,
or in inner containers packed in cartons:

FROM
San Francisco, California

(Rates in cents per 100 lbs.)

TO:	<u>Minimum Weight</u>			
	<u>4,000 lbs.</u>	<u>10,000 lbs.</u>	<u>20,000 lbs.</u>	<u>30,000 lbs.</u>
Burlingame	48	27	13	11
Eureka	102	75	54	51
Fresno	80	55	36	31
Hayward	53	34	18	14
Marysville	69	47	33	27
Merced	72	49	29	23
Modesto	65	42	22	19
Monterey	68	45	29	24
Napa	59	37	22	18
Oakland	50	30	(a)13 (b)17	(a)13 (b)15
Palo Alto	52	32	16	13
Petaluma	58	35	21	17
Pittsburg	59	37	22	18
Sacramento and North Sacramento	65	42	28	23
Salinas	68	45	27	23
San Jose	57	34	18	16
San Mateo	48	28	13	11
San Rafael	51	32	15	13
Santa Cruz	64	40	24	21
Santa Rosa	61	38	26	21
Stockton	63	40	22	18
Vallejo	58	35	21	17
Visalia	86	60	43	37
Watsonville	68	44	28	23

Schedule of Rates for Split Delivery
Shipments for the Transportation
of Syrup from San Francisco When
Watsonville and Santa Cruz and
Either or Both Monterey or
Salinas Are Included in One
Shipment:

68	44	30	26
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- (a) Applies on flavoring syrup in drums.
(b) Applies on flavoring syrup in cartons
or Mixed.

SPLIT DELIVERY CHARGES

<u>Weight in pounds</u>		<u>Charge Per delivery</u>
<u>over</u>	<u>not over</u>	
0	100	\$.90
100	500	.90
500	1000	1.17
1000	2000	1.62
2000	4000	2.25
4000	10000	2.65
10000	-	3.10

Rates on empty drums returning to San Francisco
(in cents per 100 lbs.)

<u>FROM:</u>	<u>Minimum Weight</u>			
	<u>AQ</u>	<u>2M</u>	<u>4M</u>	<u>10M</u>
Burlingame	55	34	25	25
Eureka	82	82	51	40
Fresno	72	64	43	30
Hayward	58	38	29	25
Marysville	68	53	38	26
Merced	68	55	38	26
Modesto	65	48	35	25
Monterey	66	50	36	25
Napa	61	42	31	25
Oakland	56	35	26	25
Palo Alto	57	37	28	25
Petaluma	60	40	30	25
Pittsburg	61	42	31	25
Sacramento and North Sacramento	65	48	35	25
Salinas	65	48	35	25
San Jose	59	39	29	25
San Rafael	57	36	27	25
Santa Cruz	64	46	33	25
Santa Rosa	63	43	32	25
Stockton	65	47	34	25
Vallejo	60	40	30	25
Visalia	75	70	45	32
Watsonville	65	48	35	25

End of Appendix "A"