

ORIGINAL

Decision No. 5767A

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
RAY SCHNEYER TRANSPORTATION COMPANY,)
a California Corporation, for)
authority to charge less than minimum)
rates, pursuant to Section 3666 of)
the Public Utilities Code, for the)
transportation of glass fruit jars and)
equipment, glass packer jars, glass)
bottles, jelly glasses, jar tops,)
caps, discs or tops, and rubber jar)
rings for Ball Brothers Company, Inc.)

Application No. 35738
(Fourth Supplemental)

FOURTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits. By prior orders in this proceeding, it was authorized, as a highway contract carrier, under Section 3666 of the Public Utilities Code, to deviate from the minimum rates otherwise applicable for the transportation of glass bottles, jars, caps and related articles for Ball Brothers Company, Inc., to points in Los Angeles and Orange Counties within a 50-mile radius of the shipper's plant at El Monte. The authority allows the use of specified rates which are less than the rates in Minimum Rate Tariff No. 2. These authorized rates are subject to minimum charges not less than the charges which would accrue under the hourly rates in Minimum Rate Tariff No. 5. The authority is scheduled to expire December 27, 1958.

Permission is sought to continue to deviate from the minimum rates for a further one-year period. Applicant proposes to increase the level of the authorized rates by approximately 5 percent.

The supplemental application states that, except for increased labor costs, the conditions which justified the original deviation from the minimum rates still obtain, and that the

proposed increases in the rates will offset the higher labor costs. It shows by a profit and loss statement that applicant's entire operations have been profitable. Applicant asserts that the transportation in question may reasonably be expected to be profitable during the ensuing year. It further states that the proposed rates would produce charges greater than would the hourly rates in Minimum Rate Tariff No. 5.

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.

The special rate authority herein sought and granted is not applicable to common carrier services.¹ 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.² 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 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."

² 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 or as a common carrier and a petroleum contract carrier."

(1) That Decision No. 50843 of December 7, 1954, as amended, in this proceeding, is hereby further amended by substituting Appendix 1-A, which is attached hereto and by this reference made a part hereof, for Appendix 1 attached to said decision, as amended.

(2) That the expiration date of the authority granted by said Decision No. 50843, as further amended herein, is hereby extended to December 27, 1959, unless sooner canceled, changed, or further extended by order of the Commission.

(3) That the permit of Ray Schneyer Transportation Company, a corporation, to operate as a radial highway common carrier is hereby conditioned as follows:

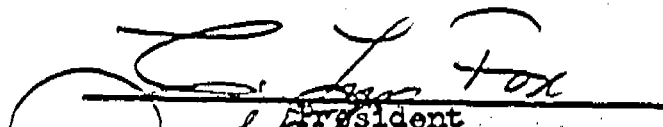
"This permit shall not authorize the transportation of the following commodities between El Monte on the one hand and points in Los Angeles and Orange Counties within a radius of 50 constructive miles of El Monte on the other hand:

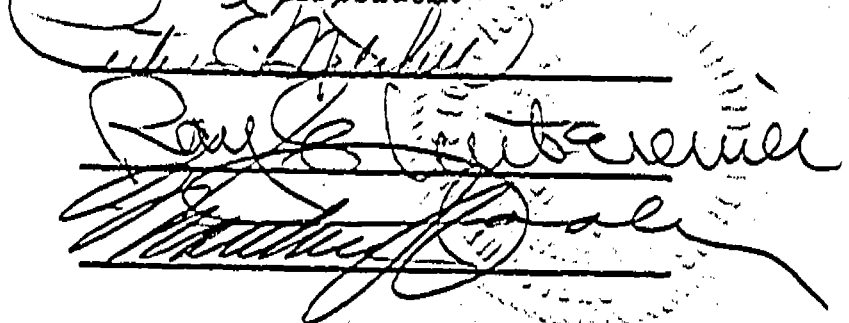
- (a) Glass bottles or jars, with or without equipment, one gallon or less in capacity.
- (b) Caps, covers, discs, or tops (other than display) nested or not nested.
- (c) Rubber jar rings.
- (d) Bottle carrying cartons set up or folded flat in packages."

In all other respects said Decision No. 50843, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 8th day of December, 1958.



President


Commissioners

Commissioners

"APPENDIX 1-A TO DECISION NO. 52674
AUTHORIZED RATES (IN CENTS PER 100 POUNDS)
SEE NOTE 1

Miles		Minimum Weight in Pounds					
		AQ	2,000	4,000	10,000 (See Note 2)	20,000 (See Note 2)	36,000 (See Note 2)
Over	Not Over						
0	3	98 $\frac{1}{2}$	56 $\frac{1}{2}$	44	25 $\frac{1}{2}$	13 $\frac{1}{2}$	8
3	5	99 $\frac{1}{2}$	58 $\frac{1}{2}$	46 $\frac{1}{2}$	25 $\frac{3}{4}$	13 $\frac{3}{4}$	8
5	10	100 $\frac{1}{2}$	59 $\frac{1}{2}$	47 $\frac{1}{2}$	26 $\frac{1}{2}$	16 $\frac{1}{2}$	9 $\frac{1}{2}$
10	15	101 $\frac{1}{2}$	62 $\frac{1}{2}$	50	28 $\frac{1}{2}$	17 $\frac{1}{2}$	10
15	20	102 $\frac{1}{2}$	64	51	30	18 $\frac{1}{2}$	10 $\frac{1}{2}$
20	25	103 $\frac{1}{2}$	67	52	32	20	11
25	30	104	70	53	33 $\frac{1}{2}$	21	12
30	35	104	72	55 $\frac{1}{2}$	34 $\frac{1}{2}$	22 $\frac{1}{2}$	12 $\frac{1}{2}$
35	40	105	73	56 $\frac{1}{2}$	35 $\frac{1}{2}$	24	14
40	45	106	76	59	38	24 $\frac{1}{2}$	15
45	50	107	77 $\frac{1}{2}$	60	39	26	15

Note 1: The rates herein apply for the transportation of the following commodities on pallets and include the return of empty pallets:

- (a) Glass bottles or jars, with or without equipment, one gallon or less in capacity.
- (b) Caps, covers, discs, or tops (other than display) nested or not nested.
- (c) Rubber jar rings.
- (d) Bottle carrying cartons set up or folded flat in packages.

Note 2: The minimum weights subject to this note apply except as otherwise provided in connection with applicable carload ratings in Western Classification No. 75, Cal. P.U.C.-W.C. No. 8 of G. H. Dumas, Agent, and supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission; in Pacific Southcoast Freight Bureau Exception Sheet No. 1-S, Cal. P.U.C. No. 193 of J. P. Haynes, Agent, and supplements thereto or reissues thereof when the provisions of such supplements have been approved by the Commission; or in Minimum Rate Tariff No. 2."

End of Appendix