

**ORIGINAL**

Decision No. 57823

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 ship- ) (Tenth Supplemental)  
ments for the Coca-Cola Company. )

TENTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds radial highway common, highway contract and city carrier permits. By Decision No. 42423, of January 18, 1949, as amended, in this proceeding, it was authorized as a highway contract carrier, under Section 3666 of the Public Utilities Code, to transport syrup and empty syrup containers for the Coca-Cola Company between specified points in southern California at rates less than the established minimum rates. The authority is scheduled to expire February 7, 1959. By this supplemental application, permission is sought to continue to deviate from the minimum rates for a further one-year period.

The supplemental application alleges that the operations here involved have been profitable; that the volume of traffic will be greater for the ensuing year; and that while there have been some increases in the cost of operation such increases have been offset by an increase in volume of traffic and by a greater efficiency in the performance of service. Applicant states that it does not anticipate any increases in costs during the ensuing twelve months which would necessitate an increase in rates now in effect. Applicant avers that the existing rates being charged for the transportation involved are now and will be just, reasonable and fully compensatory for the ensuing twelve-month period. A statement attached to the application

indicates that operations under the authorized rates have been profitable and may reasonably be expected to be profitable for the ensuing year. The Transportation Division staff has reviewed the supplementary application and recommends that it be granted.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. This is a matter in which a public hearing is not necessary. The supplemental application will be granted.

The special rate authority herein sought and granted is not applicable to common carrier services (Public Utilities Code, Section 3666). 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. In view of the contract carriage involved in this proceeding, a 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 the authority granted to Export Forwarders, Inc., by Decision No. 42423 of January 13, 1949, as amended, in this proceeding, is hereby extended to February 7, 1960, unless sooner canceled, changed or extended by order of the Commission.

(2) That the permit of Export Forwarders, Inc., to operate as a radial highway common carrier is hereby conditioned as follows:

"This permit shall not authorize the transportation of:

1. Flavoring syrup:

- (a) From Los Angeles Zone One, as described in Original Page 36 of the Commission's Distance Table No. 4, to Bakersfield, Burbank, Colton, El Centro, Glendale, Indio, Long Beach, Ontario, Oxnard, Pomona, San Bernardino, San Diego, Santa Barbara, Santa Maria and Ventura.
- (b) From Santa Barbara and Ventura to Santa Maria."

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

Dated at San Francisco, California, this 6th day of January, 1959.

E. Lynn Fox  
President

E. W. Mitchell

William J. ...

Theodore ...

J. ...  
Commissioners