

ORIGINAL

Decision No. 57891

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)	Case No. 5432
carriers, highway carriers and city car-)	(Petition for Modification
riers relating to the transportation of)	No. 108)
any and all commodities between and)	
within all points and places in the State)	(Petition for Modification
of California (including, but not limited)	No. 126)
to, transportation for which rates are)	
provided in Minimum Rate Tariff No. 2).)	

Frank Loughran, for Boone Warehouses, Inc.,
petitioner.

Roy A. Townsend, for Libby, McNeill & Libby,
petitioner.

J. C. Kaspar, Arlo D. Poe and J. X. Quintrall,
for California Trucking Associations, Inc.,
protestant.

Ralph Hubbard, for California Farm Bureau
Federation, 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 specified industrial plants adjacent to those cities. The area is described in Item 30, paragraph (e) of the tariff.

By petitions, Boone Warehouses, Inc., and Libby, McNeill & Libby seek modification of Item 30(e) to include their respective warehouses in the described exempt area. Public hearing was held on the petitions on December 22, 1958, before Examiner J. E. Thompson at San Francisco.

Boone Warehouses, Inc., has three structures at 4800 Florin-Perkins Road which is approximately one-half mile due east of the city limits of Sacramento at about 21st Avenue. It is approximately one fourth of a mile north of the Sacramento Signal Depot and less than that distance from the plant of Proctor and Gamble Manufacturing Company. The site is located in the area of greater Sacramento, known as the Lawrence Industrial Tract. Petitioner is engaged in the business as a public warehouseman and has a tariff of rates and charges for warehousing on file with the Commission. Approximately 80,000 square feet of storage is dedicated to public warehousing. At the present time about 20,000 square feet is used in warehousing the property of Campbell Soup Company and 10,000 square feet is used for warehousing the property of Proctor and Gamble. Such storage was described by the secretary-treasurer of petitioner as overflow storage. He testified that the managements of both companies had informed him that petitioner would not be given a share of their regular storage because of the differential in transportation rates from their respective plants to other warehouses which are within the corporate limits of the cities or specifically designated in Item 30(e) as included in the exempt area.¹ He stated that the going rate for the transportation of canned goods within the exempt area is 6 cents per 100 pounds. The minimum rate for the transportation of canned goods, minimum weight 30,000 pounds, from Campbell Soup Company to petitioner's warehouse is 7-1/2 cents per 100 pounds plus 10 percent surcharge. The witness asserted that although petitioner's warehouse is more convenient and closer to the plants of Campbell Soup and Proctor and Gamble than other warehouses, including

¹ Public warehouses not within the corporate limits of Sacramento, North Sacramento or West Sacramento, but are designated specifically by name in Item 30(e), include Howard Terminal Warehouse and Fort Sutter Warehouse.

Howard Terminal Warehouse and Fort Sutter Warehouse, it is at a severe competitive disadvantage because of the differential in transportation rates.

Libby, McNeill & Libby operates a processing plant in the City of Sacramento. It has a warehouse located at 1201 Blumenfeld which is less than one-eighth mile east of the city limits of North Sacramento in the area known as Swanston. The plant of Essex Lumber Co., which is specifically named in Item 30(e), is nearby. Petitioner ships about four million cases of canned goods per year from its plant in Sacramento to the warehouse. It had assumed that the warehouse which it leased was within the City of North Sacramento and first learned that it was not after the lease had been executed. The lease is of a duration of time exceeding one year.

The granting of the petition was opposed by the California Trucking Associations, Inc. Its participation was confined to cross-examination of witnesses and to closing statements. The position of the Association and the points mentioned in its closing statement are the same as those presented by the Association in Petition No. 112, Case No. 5432. Decision No. 57541 in said proceeding sets forth these points and the Commission's opinion respecting them; no good purpose would be served by reiterating them here. With respect to the protest of the Association we adopt here the same conclusions set forth in Decision No. 57541.

Upon consideration of all of the facts and circumstances of record, we are of the opinion and find that the warehouses of Boone Warehouses, Inc., located at 4800 Florin-Perkins Road and of Libby, McNeill & Libby located at 1201 Blumenfeld are commercially a part of the area designated in Item 30(e) and that the relief sought has been shown to be justified. The petitions will be granted.

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 Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective February 23, 1959, Twentieth Revised Page 13, which page is attached hereto and by this reference made a part hereof.

In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 20th day of January, 1959.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

Cancels

Item
No.SECTION NO. 1 - RULES AND REGULATIONS OF
GENERAL APPLICATION (Continued)APPLICATION OF TARIFF - TERRITORIAL
(Items Nos. 30 and 31)

Subject to Note 1 of Item No. 31 the rates in this tariff apply for transportation of shipments between all points within the State of California, except:

(a) Shipments having point of origin in Alameda, Albany, Berkeley, Emeryville, Oakland or Piedmont, and point of destination in another of those cities;

(c) Shipments having both point of origin and point of destination within the San Diego Drayage Area as described in Minimum Rate Tariff No. 9-A;

(d) Shipments having both point of origin and point of destination within the Los Angeles Drayage Area, as described in Minimum Rate Tariff No. 5;

(e) Shipments (1) between Sacramento and North Sacramento; (2) between Sacramento and West Sacramento; (3) between said cities on the one hand and the adjacent plants of the Lumbermen's Supply Inc., Essex Lumber Company, Campbell Soup Company, McKesson & Robbins, Inc., Howard Terminal Warehouse, Royal Packing Company, Proctor & Gamble Manufacturing Company, Fort Sutter Warehouse Co., #6 Libby, McNeil & Libby, and #6 Boone Warehouses, Inc.,

on the other hand; (4) between said cities and plants on the one hand and the Sacramento Air Depot, the Sacramento Municipal Airport and the Sacramento Signal Depot on the other hand; (5) between the Sacramento Air Depot, the Sacramento Municipal Airport and the Sacramento Signal Depot; and (6) between any of the communities, plants, or other locations identified in this paragraph;

(f) Shipments between Marysville and Yuba City and between said cities on the one hand and the adjacent plant of the Harter Packing Company on the other hand;

(g) Shipments between the Sonora Freight depot of the Sierra Railroad Company and Sonora;

(h) Shipments having both point of origin and point of destination within the metropolitan Fresno area embraced by the following boundaries (includes both sides of streets, boulevards, roads, avenues or highways named):

Beginning at the intersection of Hayes Avenue and Shaw Avenue, easterly along Shaw Avenue to U.S. Highway 99, northwesterly along U.S. Highway 99 to the San Joaquin River, easterly along the San Joaquin River to Friant Road, southerly along Friant Road to Alluvial Avenue, easterly along Alluvial Avenue to Fresno Avenue, southerly along Fresno Avenue to Herndon Avenue, easterly along Herndon Avenue to Chestnut Avenue, southerly along Chestnut Avenue to Shaw Avenue, easterly along Shaw Avenue to Fowler Avenue, southerly along Fowler Avenue to Jensen Avenue, westerly along Jensen Avenue to Willow Avenue, southerly along Willow Avenue to Central Avenue, westerly along Central Avenue to U.S. Highway 99, northwesterly along U.S. Highway 99 to North Avenue, westerly along North Avenue to Marks Avenue, northerly along Marks Avenue to Jensen Avenue, westerly along Jensen Avenue to Cornelia Avenue, northerly along Cornelia Avenue to Kearney Avenue, westerly along Kearney Avenue to Hayes Avenue, northerly along Hayes Avenue to point of beginning.

*30-R
Cancels
30-Q

(Continued in Item No. 31)

* Change)
o Reduction)
Addition)

Decision No. 57891

EFFECTIVE FEBRUARY 23, 1959

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 887