

ORIGINAL

Decision No. 50021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of EARL F. ANDERS, CLIFTON SHIFFLET,)
and HAROLD SHIFFLET, co-partners,)
doing business as SHIFFLET BROS.,)
for Authority to Depart from Mini-)
mum Rates, Rules and Regulations)
applicable in connection with)
certain Transportation to be per-)
formed for CINDER PRODUCTS COMPANY)

Application No. 42002

OPINION AND ORDER

Applicants hold radial highway common carrier, highway contract carrier, city carrier and household goods carrier permits. By Decision No. 58221, in Case No. 5437 (Petition No. 49), they were authorized to assess rates and charges lower than those prescribed as minimum for the transportation of volcanic scoria for Cinder Products Company from a location near Clear Lake Oaks, Lake County, to points and places in Northern Territory, as defined in Item No. 110 of Minimum Rate Tariff No. 7. The authority permits split deliveries on lots which would be rated as separate shipments under the minimum rate tariff. The authority is scheduled to expire May 1, 1960. By this application, filed March 2, 1960, applicants seek authority to continue to deviate from the minimum rates.

According to the application, the conditions which justified the previous deviation from the minimum rates still exist. Applicants allege that the current rates are reasonable minimum rates for the transportation in question; that these rates are required to retain the traffic for applicants; that any increase in rates will cause diversion of the traffic to proprietary operations, and that loss of this traffic would have a serious impact upon applicants' financial condition.

The application shows that on or about February 29, 1960, a copy of the application was served on California Trucking Associations, Inc. No objection to its being granted has been received. The Transportation Division staff has reviewed the verified application and has recommended that the sought authority be granted.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. A public hearing is not necessary. The application will be granted.

Therefore, good cause appearing,


IT IS ORDERED:


(1) That Earl F. Anders, Clifton Shifflet and Harold Shifflet are hereby authorized to transport volcanic scoria from Cinder Products Company, near Clear Lake Oaks, Lake County, to points and places in Northern Territory, as defined in Item No. 110 of Minimum Rate Tariff No. 7, at rates and charges no lower in volume or effect than the rates and charges set forth in Appendix A attached hereto and by this reference made a part hereof.

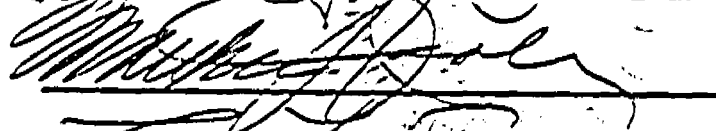
(2) That the authority herein granted shall expire on May 1, 1961, unless sooner changed, canceled or extended by order of the Commission.

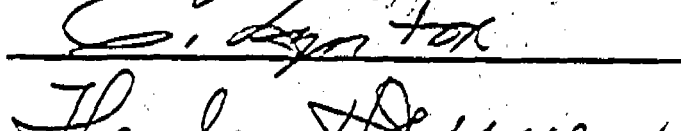
This order shall become effective May 1, 1960.

Dated at San Francisco, California, this 12th day of April, 1960.



President






Commissioners

APPENDIX A TO DECISION NO. 59921

Schedule of Minimum Rates of SHIFFLET BROS.
Applicable to the Transportation of Volcanic
Scoria from the Plant of Cinder Products Company,
Located Near Clear Lake Oaks, Lake County,
California, to Points and Places in California

SECTION 1

Item 10 - Application of Rates

The minimum rates, rules and regulations set forth in Minimum Rate Tariff No. 7 are applicable on all shipments except as specifically provided in Section 2.

SECTION 2

Item 20 - Application

Rates in this section apply only to shipments in inter-plant movement, minimum weight 40,000 pounds.

Item 30 - Rules and Regulations - Exceptions

Rates applicable under this section are not subject to the following rules and regulations in Minimum Rate Tariff No. 7: Item 10(i), Item 40, Item 80.

Item 40 - Definition of the term "Shipment"

"Shipment" means a quantity of property tendered for transportation to one carrier at one time on one shipping document by:

- (1) One shipper at one point of origin for one consignee at one point of destination; or
- (2) One shipper at one point of origin for one consignee at more than one point of destination, or for more than one consignee at one or more points of destination, all of which are in the Northern Territory.

Item 50 - Computation of Distance

Distances to be used in connection with distance rates applicable herein shall be the shortest resulting mileage via any public highway route, computed in accordance with the method provided in Distance Table No. 4, amendments thereto or reissues thereof.

Item 60 - Split Delivery

Shipments as defined in Item 40(2) herein are subject to the following conditions and additional charges:

- (1) The composite shipment shall consist of not to exceed three component parts.
- (2) Charges shall be paid by the consignor when there is more than one consignee.
- (3) At the time of, or prior to, the tender of the composite shipment, the carrier shall have been furnished with written instructions showing the name of each consignee, the point or points of destination, and kind and quantity of property in each component part.
- (4) The charge for the transportation of the composite shipment shall be the charge applicable for transportation of a single shipment of like kind and quantity of property, computed by applying the rate or rates for 1/2 the distance from point of origin to that same point via each of the points and destinations.
- (5) In addition to the charge applicable for transportation of a single shipment of like kind and quantity of property, computed as set forth in paragraph (4) above, an additional charge of \$3.50 shall be made for each of the component parts comprising the composite shipment.

End of Appendix A