

Decision No. 60125**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ASSOCIATED TRANSPORTATION CO., INC.,)
 a corporation, for an order amending)
 its certificate of public conven-)
 ience and necessity to operate as a)
 highway common carrier.)

Application No. 42043

O P I N I O N

Associated Transportation Co., Inc., operates as a highway common carrier of general commodities, with certain exceptions, between the San Francisco Territory, on the one hand, and, on the other, Marysville, Yuba City and points within 10 miles thereof. Applicant also transports, as a highway common carrier, canned goods, empty containers and pallets, between various points in the northern and central parts of this State.¹ Additionally, applicant holds radial highway common carrier, highway contract carrier and city carrier permits.

By the application herein Associated seeks modification of the highway common carrier certificate granted by Decision No. 44932 so as to exclude therefrom the transportation of certain commodities having origin or destination at Richmond or Stege. The commodities in question, which are more specifically described in the application, are fertilizers, agricultural fungicides, agricultural insecticides, sulphur, and empty carriers utilized in connection with the transportation of said commodities.

¹ These two operative rights were granted by Decision No. 44932, in Application No. 30525, and Decision No. 49769, in Application No. 34856, respectively.

Prior to the issuance of the above-mentioned common carrier certificate, the application states, applicant transported the commodities here in issue under its permitted rights in competition with other carriers holding like authorities. These commodities are all exempt from the Commission's minimum rate orders and highway permit carriers may adjust their rates on said commodities on a moment's notice, to such levels as they feel proper, since such carriers do not publish and file tariffs. Applicant operating now as a certificated carrier must publish and file its tariffs, and is therefore subject to the slower processes of rate changes entailed thereby. Thus, permit carriers, being able to underbid certificated carriers or quickly adjust their charges when such action is advantageous to their operations, assertedly now control a large percentage of the traffic here in issue.

The application alleges that loss of this traffic has been especially harmful to it, particularly since the commodities in question are usually back-hauled from metropolitan areas to Sacramento Valley points and serve to build up the round-trip load factor. The granting of the application, it is stated, will enable applicant to regain the traffic here in issue, to improve its load factor and thus perform a more efficient and economical service. With the sought certificate amendment in effect, applicant would transport the fertilizer and related commodities under its contract carrier permit.

We find that public convenience and necessity do not require the transportation by applicant of the commodities here in issue from or to Richmond or Stege. The application will be granted.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED:

1. That the list of exceptions set forth in Appendix A of Decision No. 44932, dated October 24, 1950, in Application No. 30525, is amended by adding thereto the following:

- *(h) Fertilizers, as described in Items Nos. 535, 540 and 550 of Exception Sheet No. 1-S, Cal. P.U.C. No. 193, M. A. Nelson, Tariff Publishing Officer.
- *(i) Fungicides, agricultural.
- *(j) Insecticides, agricultural.
- *(k) Sulphur.
- *(l) Empty packages or carriers, second hand (as described in Item No. 300 of Exception Sheet No. 1-S, Cal. P.U.C. No. 193, M. A. Nelson, Tariff Publishing Officer), which are being returned from an outbound pay load movement of fertilizer, fungicide, sulphur or insecticide, or which are being forwarded for a return pay load of such traffic.

*This exception applies only on traffic having origin or destination at Richmond or Stege.

2. That Associated Transportation Co., Inc., on not less than ten days' notice to the Commission and the public, shall amend its tariffs to reflect the authority herein granted.

3. That the authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

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

Dated at Los Angeles, California, this 17th day of May, 1960.

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