

Decision No. 60155

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
HARRY MCKENZIE TRUCKING CO., a corpora- )  
tion, for an order authorizing departure )  
from the rates, rules and regulations of )  
Minimum Rate Tariff No. 2, pursuant to )  
the provisions of Section 3666 of the )  
Public Utilities Code for the transpor- )  
tation of brandy. )

Application No. 42155

OPINION AND ORDER

Applicant holds radial highway common, highway contract and city carrier permits. It is also authorized to operate as a certificated highway common carrier of specified commodities between certain points not involved herein. By Decision No. 58489, dated May 22, 1959, in Application No. 41059, it was authorized, under Section 3666 of the Public Utilities Code, to transport brandy for Fromm & Sichel, Inc., at less than the established minimum rates between specified points.<sup>1</sup> This authority is scheduled to expire June 17, 1960.

By this application, authority is sought to charge less than the minimum rates otherwise applicable for a further one-year period at the same rates currently authorized except that applicant does not request continuation of the present authority between Lac Jac and Tarpey.

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The current authority, which was granted in Application No. 41059, is as follows:

<u>Between Lac Jac and:</u>	<u>RATE (In Cents Per 100 Pounds)</u>	<u>Minimum Weight</u>
Biola	15	40,000 Pounds
Tarpey	13	" " "
Fowler	12	" " "
Monmouth	12	" " "

According to the application, the profit from the operations herein involved has been satisfactory to applicant. Applicant states that the general conditions concerning the transportation characteristics have remained virtually unchanged since the current authority was granted; that the volume of traffic has increased while certain of its operating expenses have decreased; and that, therefore, no change in the present rates is proposed and no increase in expenses is foreseen which would substantially affect the profitable character of the operations for the ensuing year.

The application shows that on or about April 18, 1960, a copy thereof was served on various parties believed to be interested, including the 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 it be granted.

By prior order in this matter, applicant's radial highway common carrier permit was restricted to exclude the transportation of brandy between the points here involved. This restriction was necessitated by the provision of Section 3542 of the Public Utilities Code. The code provision was amended in September, 1959 obviating the need for the permit restriction. It will be eliminated.

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

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Harry McKenzie Trucking Co., a corporation, operating as a highway contract carrier, is hereby authorized under Section 3666 of the Public Utilities Code to transport brandy, in barrels, between Lac Jac, on the one hand, and Biola, Fowler and Monmouth, on the other hand, for Fromm & Sichel, Inc., at rates less than the established minimum rates but not less than the

following, subject to a minimum weight of 40,000 pounds per shipment:

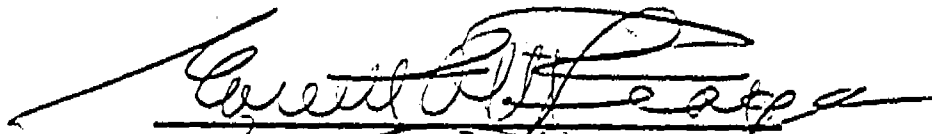
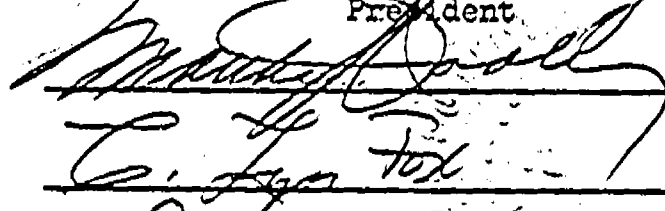
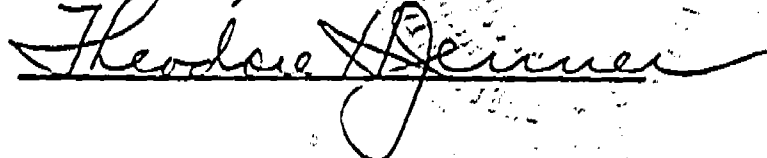
<u>Between Lac Jac and</u>	<u>RATE (In Cents per 100 Pounds)</u>
Biola	15
Fowler	12
Monmouth	12

(2) That the limitation placed against the radial highway common carrier permit held by Harry McKenzie Trucking Co. to exclude the transportation of brandy, in barrels, between Lac Jac and Biola, Fowler, Monmouth and Tarpey by Decision No. 56758, dated May 27, 1958, in Application No. 38541 (First Supplemental) and Decision No. 58489, dated May 22, 1959, in Application No. 41059, is hereby removed.

(3) That the authority granted herein shall expire June 17, 1961, unless sooner canceled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 24<sup>th</sup> day of May, 1960.

  
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President  
  
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C. Lee Fox  
  
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Theodore Deiner  
\_\_\_\_\_  
Commissioner