

Decision No. 60290

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
TED PETERS TRUCKING COMPANY, INC.,
for authority under Section 3666 of
the Public Utilities Code to assess
and collect transportation charges
based on rates lower than the
minimum rates heretofore established
by the Commission.

Application No. 42196

OPINION AND ORDER

Applicant holds radial highway common, highway contract and city carrier permits, and a highway common carrier certificate. By Decision No. 58627, dated June 16, 1959, in Application No. 41125, applicant was authorized, as a highway contract carrier, to assess rates less than the applicable minimum rates for shipments of frozen pies, cakes, cookie rolls and dough for the Carnation Company from the Los Angeles Territory to San Francisco Territory, Fresno, Sacramento, Chico and certain intermediate points, and fresh frozen fruits and berries from certain of the aforementioned places and Watsonville to the Los Angeles Territory. This authority is scheduled to expire July 7, 1960.

By this application, filed April 26, 1960, authority is now sought to continue to charge less than the minimum rates otherwise applicable for a further one-year period at the same base rates previously authorized but to increase the currently authorized surcharge from eight percent to fifteen percent.

The verified application shows that, on or about April 26, 1960, a copy thereof was served upon the shipper and the California Trucking Associations, Inc. No objection to its being granted has been received. The Transportation Division staff has reviewed the application and has recommended that it be granted.

Applicant states that there has continued to be a substantial movement of the traffic embraced herein and that the operation has been conducted at a profit under the authorized rates during the past year. The application recites that applicant has recently experienced certain increases in its cost of operation and that the proposed increase in the surcharge from eight to fifteen percent will serve to offset such increased operating cost.

By Decision No. 56912, dated July 1, 1958, in Application No. 37675 (Third Supplemental), applicant's radial highway common carrier permit was restricted to exclude the transportation of the same commodities between the same points as those 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. The restriction will be eliminated. Applicant's highway common carrier certificate does not apply to transportation between the points involved herein.

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

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Ted Peters Trucking Company, Inc., operating as a highway permit carrier, is hereby authorized to transport frozen cakes, frozen pies, frozen cookie rolls, and frozen dough, in straight or mixed shipments, and fresh frozen fruits and fresh frozen berries for the Carnation Company at less than established minimum rates, but not less than those set forth in, and subject to the provisions shown in, Appendix "A" attached hereto and


by this reference made a part hereof.


(2) That the limitation placed against the radial highway common carrier permit held by Ted Peters Trucking Company, Inc., by Decision No. 56912, dated July 1, 1958, in Application No. 37675 (Third Supplemental) which excluded the transportation thereunder of the same commodities and between the same points as are involved herein, is hereby removed.

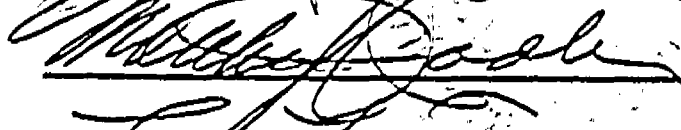
(3) That the authority granted herein shall expire July 7, 1961, unless sooner canceled, changed or extended by order of the Commission.

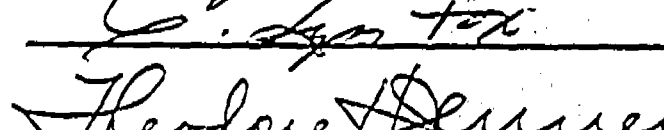
The effective date of this order shall be July 7, 1960.


Dated at San Francisco, California, this 20th day of June, 1960.



President







Commissioners

APPENDIX "A" TO DECISION NO. 60290
 IN APPLICATION NO. 42196

(Rates are stated in cents per 100 pounds)

1. Fruit pies, frozen, as described in Item No. 40580, Meat pies, frozen, as described in Item No. 40570, Dough, frozen, as described in Item No. 39780, and cream pies, cakes, cookie rolls, frozen, as described in Item No. 39990 of Western Classification No. 77, J.P. Hackler, Tariff Publishing Officer, in straight or mixed shipments, minimum weight 36,000 pounds.

From Los Angeles Territory, as defined in Minimum Rate Tariff No. 2, to:

	<u>*Rate</u>
(a) Fresno and intermediate points on U.S. Highway 99	39
(b) San Francisco Territory, as defined in Minimum Rate Tariff No. 2, and intermediate points between Fresno and San Francisco on U.S. Highways 99 and 50, and State Highway 33, and intermediate points between Gilroy and San Francisco on U.S. Highway 101	51
(c) Sacramento and intermediate points between Fresno and Sacramento on U.S. Highway 99 and State Highway 33	51
(d) Chico and intermediate points between Sacramento and Chico on U.S. Highways 40, 99-E and 40 Alternate	65

2. Fresh Frozen Fruit and Fresh Frozen Berries, minimum weight 38,000 pounds.

To Los Angeles Territory, from:

(a) Fresno and points and places within 25 miles thereof, except points on U.S. Highway 99 north of Fresno, and intermediate points between Fresno and Bakersfield, on U.S. Highway 99	39
(b) San Francisco Territory, and intermediate points on U.S. Highway 99 and State Highway 33 north of Fresno, on U.S. Highway 101 between San Francisco and Gilroy, and off-route points within 10 miles of Watsonville	51
(c) Sacramento and intermediate points between Sacramento and Fresno on U.S. Highway 99 and State Highway 33	51
(d) Chico and intermediate points between Chico and Sacramento on U.S. Highways 40, 99-E and 40 Alternate	65

NOTES:

1. All of the foregoing rates are intended to include refrigeration service without additional charge.

* These rates are subject to a surcharge of fifteen percent.

2. All of the foregoing rates are intended to include an allowance for loading at points of origin of one man for 4 hours per shipment of 36,000 pounds or more. When additional loading time is required, additional charges on the basis of those provided in Minimum Rate Tariff No. 2 will be assessed.
3. All of the foregoing rates are intended to include split pickup or split delivery service, subject to the additional split pickup or split delivery charges provided in Minimum Rate Tariff No. 2.
4. No shipment of fresh frozen fruits or of fresh frozen berries, transported under any of the rates authorized herein, shall be accorded split pickup service both at a point or points specified in Note A and at a point or points specified in Note B, below.
5. No shipment of frozen pies, frozen cakes, frozen dough, or frozen cookie rolls transported under any of the rates authorized herein shall be accorded split delivery service both at a point or points specified in Note A and at a point or points specified in Note B, below.

Note A

San Francisco Territory, as defined in Minimum Rate Tariff No. 2; points on U.S. Highway 101, Gilroy to, but not including, said San Francisco Territory; points within 10 miles of Watsonville.

Note B

Points on U.S. Highway 99 north of State Highway 152; points on State Highway 33 north of State Highway 152.

(END OF APPENDIX "A")