

Decision No. 60687

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SOUZA'S MILK TRANSPORTATION CO., a )  
California Corporation, for an order )  
amending its certificate of public )  
convenience and necessity so as to )  
exclude the transportation of milk )  
and cream in bulk. )

Application No. 42315

OPINION AND ORDER

The applicant is operating as a highway common carrier under a certificate of public convenience and necessity granted by Decision No. 53584, dated August 7, 1956, as amended by Decision No. 54095, dated November 19, 1956, in Application No. 36055, which authorizes the transportation of whey and skim milk, ice, buttermilk, milk products, and milk cans over a portion of Central California.

Applicant now requests that its certificate of public convenience and necessity be amended by deleting the following commodities from the list of commodities permitted to be transported:

"Buttermilk, liquid, butterfat or cream,  
liquid, and milk, liquid, when shipped in  
milk shipping cans, in bottles, in cases  
or crates, or in bulk in tanks."

As a justification for the deletion requested, the applicant has alleged that the commodities enumerated are not rated under Minimum Rate Tariff No. 2 and are normally transported by contract carriers who do not file rates for the movement of milk, butterfat or cream. This has enabled several permitted carriers to operate at rates lower than those set out in applicant's tariff, thereby causing the applicant to lose customers and suffer a financial loss. The applicant alleges that it cannot compete with permitted carriers on the items listed unless the said items are eliminated from applicant's certificate and tariffs.

Decision No. 55820, dated November 12, 1957, in Application No. 39492, transferred all operative rights, business and assets from Manuel Souza, doing business as Souza's Milk Transportation, to Souza's Milk Transportation Co., a California corporation.

The Commission having considered the matter hereby finds that the granting of the deletion requested in this application would not be adverse to the public interest. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED that:

1. Appendix A to Decision No. 53584 dated August 7, 1956, as amended by Decision No. 54095 dated November 19, 1956, in Application No. 36055, be and it is further amended by substituting Second Revised Page 1 and First Revised Page 2 in place and stead of First Revised Page 1 and Original Page 2.

2. Decision No. 54095 is further amended by substituting Souza's Milk Transportation Co., for Manuel Souza, wherever the latter name appears in the said decision, or in the appendix attached thereto.

3. Decision No. 53584, as amended by Decision No. 54095 and as further amended herein, is continued in full force and effect.

4. Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and to

the public, applicant shall amend its tariffs on file with this Commission to reflect the authority herein granted.

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

Dated at San Francisco, California, this 1st day of SEPTEMBER, 1960.

Ernest B. Ray  
President  
John L. McElroy  
William H. Doyle  
E. J. Lister  
Commissioners

Souza's Milk Transportation Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport:

1. DAIRY PRODUCTS, VIZ.:

Butter  
Butterfat or cream (See Note)  
Buttermilk (See Note)  
Milk or cream (See Note)

2. FOOD STUFFS, BEVERAGES OR BEVERAGE PREPARATIONS,  
not named in other more specific groups, VIZ.:  
(See Note)

Cream, sterilized  
Milk albumen  
Milk beverage  
Milk, cream, buttermilk or milk solids  
Milk food  
Milk or buttermilk, condensed or evaporated  
Milk, sterilized  
Whey

3. MISCELLANEOUS COMMODITIES, VIZ.:

Cans, cream or milk shipping  
Casein  
Ice

NOTE: Applicant shall not transport any shipments of:  
Buttermilk, liquid  
Butterfat or cream, liquid  
Milk, Liquid  
when shipped in milk shipping cans, in bottles,  
in cases or crates, or in bulk in tanks.

BETWEEN:

A. Gustine, on the one hand, and Patterson, Los  
Banos, Visalia, Hanford, Modesto, Newman,  
San Luis Obispo and Los Angeles, on the  
other hand.

Issued by California Public Utilities Commission.

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Appendix A      SOUZA'S MILK TRANSPORTATION CO.  
                    A California Corporation

First Revised Page 2  
Cancels  
Original Page 2

- B. Los Banos, on the one hand, and Galt, Hanford,  
Los Angeles, Manteca and Salinas, on the  
other hand.
- C. Newman, on the one hand, and Patterson and  
Stockton, on the other hand.
- D. Paso Robles, on the one hand, and Compton  
and Ripon, on the other hand.

Such authority does not include the right to render serv-  
ice to, from or between intermediate points.

Applicant shall not establish through routes and joint  
rates, charges and classifications as to the separate authorities  
above set forth at A through D hereof.

Issued by California Public Utilities Commission.

Decision No. 66687, Application No. 42315.