

**ORIGINAL**

Decision No. 61784

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
into the Rates, Rules, Regulations, )  
Charges, Allowances and Practices )  
of all Common Carriers, Highway )  
Carriers and City Carriers relating )  
to the Transportation of Sand, Rock, )  
Gravel, and Related Items (Commodi- )  
ties for which Rates are provided in )  
Minimum Rate Tariff No. 7). )

Case No. 5437  
Petition for Modification  
No. 71

OPINION AND ORDER

By petition filed February 14, 1961, Earl F. Anders, Clifton Shifflet and Harold Shifflet, co-partners doing business as Shifflet Bros., seek authority to continue a transportation rate deviation which otherwise is scheduled to expire May 1, 1961.

The deviation was authorized by Decision No. 59921, dated April 12, 1960, in Application No. 42002. It relates to 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. Under the authority, petitioners assess minimum rates as set forth in the tariff, but are permitted to make split deliveries at an additional charge of \$3.50 for each component part comprising each composite shipment. Inasmuch as Minimum Rate Tariff No. 7 does not permit split deliveries, each part would be required to be rated as a separate shipment in the absence of the deviation authority herein involved.

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<sup>1</sup>  
The basic transportation rates are not affected. These minimum rates, applicable also to the traffic herein involved, were increased to offset increased costs, effective December 5, 1960. (Decision No. 60623, dated August 23, 1960, as modified by Decision No. 60838, dated October 4, 1960, and Decision No. 60957, dated October 25, 1960, in Case No. 5437, Petition for Modification No. 59.)

According to the petition, the conditions which justified the previous deviation from the minimum rates still exist. Petitioners allege that the current rates are reasonable minimum rates for the transportation in question; that these rates are required to retain the traffic for petitioners; and that loss of this traffic would have a serious impact upon petitioners' financial condition.

The petition shows that on or about February 8, 1961, a copy of the petition was served on California Trucking Associations, Inc. No objection to its being granted has been received.

By a prior order in this matter, petitioners' radial highway common carrier permit was restricted to exclude the transportation of the same commodities between 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 rate deviation is reasonable. A public hearing is not necessary. The petition will be granted. However, as the conditions surrounding the transportation involved herein may change, the extension will be limited to one year unless sooner canceled, changed or extended by order of the Commission.

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

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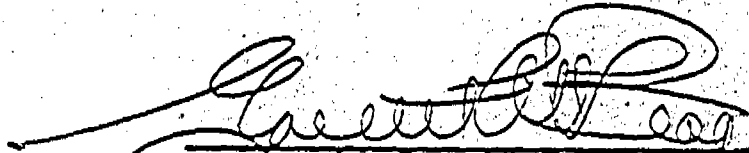
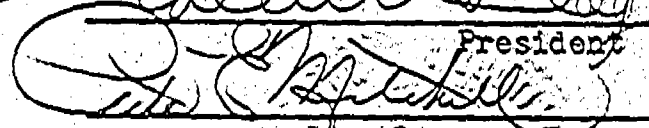
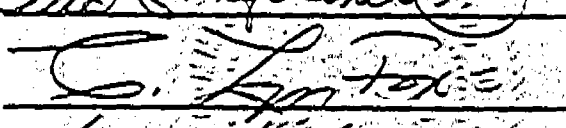
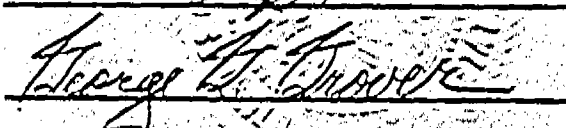
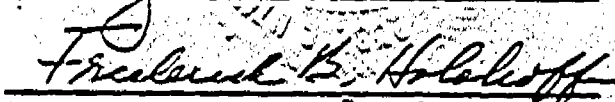
or effect than the rates and charges set forth in Appendix A attached hereto and by this reference made a part hereof.

(2) That the limitation placed against the radial highway common carrier permit held by Earl F. Anders, Clifton Shifflet and Harold Shifflet by Decision No. 58221, dated April 7, 1959, in Case No. 5437, Petition for Modification No. 49, as amended, which excluded the transportation thereunder of the same commodities between the same points as are involved herein, is hereby removed.

(3) That the authority herein granted shall supersede the authority granted by Decision No. 59921 and shall expire on May 1, 1962, unless sooner changed, canceled or extended by order of the Commission.

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

Dated at San Francisco, California, this 4<sup>th</sup> day of April, 1961.

  
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President  
  
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Commissioner's

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(1), 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 of destination.
- (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