

ORIGINAL

Decision No. 64456

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
W-J DISTRIBUTING COMPANY, a corpora-)
tion, for permits to operate as a)
Radial Highway Common Carrier (Ap-)
plication No. 19-54045-R) and as a)
City Carrier (Application No. 19-)
54046-C) for the transportation of)
beer and general cargo from Los)
Angeles throughout the State of)
California (File No. T-69,635).)

Application No. 43172

Murray M. Chotiner, for the applicant.
Hugh N. Orr, for the Commission staff.

O P I N I O N

By the application herein, filed with this Commission on February 14, 1961, W-J Distributing Company, a California corporation (applicant), requests that it be granted a radial highway common carrier permit and a city carrier permit pursuant to Sections 3571 and 3942 of the Public Utilities Code. A public hearing was held before Commissioner Frederick B. Holoboff and Examiner Kent C. Rogers in Los Angeles on May 12, 1961.

The evidence shows that applicant is a California corporation, the name of which was changed to W-J Distributing Company on September 7, 1960; that William Jasper is its president and G. V. Brumbaugh is its secretary; that its offices are at 1025 North Highland Avenue, Los Angeles; that it has a

wholesale beer and wine license; and that William Jasper, the president, had been an employee of the Motor Carriers Association of the State of California for 15 years handling its legislation and rates, and was in charge of public relations for the California Brewers Institute between the years 1933 and 1953 for the portion of the State of California south of Fresno. The evidence further shows that the applicant intends to engage in the business of selling and incidentally delivering beer and wine to wholesalers and retailers and desires the permits so that it may transport general commodities on the return trips, after delivering said commodities, and that applicant will carry shipments for anyone who will pay the charges. The evidence further shows that the applicant owns no trucking equipment and intends to do one or both of two things, to wit, it will rent trucks and hire its own employees as drivers in delivering its property, or it will lease equipment with drivers to transport its merchandise; that it has a tentative agreement with Maier Brewing Company for the leasing of trucking equipment and drivers; and that the applicant has arrangements to secure the proper insurance if the permits are issued and it commences business.

The record shows that the applicant is financially sound.

A transportation representative testified that the staff's position is that, if the permits are granted, a restriction should be placed therein to the effect that whenever W-J Distributing

Company employs subhaulers for the transportation of its own property, the property of its distributors, or the property of Maier Brewing Company, the subhaulers will be paid the entire minimum rate.

The president of the applicant testified that if subhaulers are employed for the transportation of applicant's own property, the subhaulers will be paid the full minimum rates prescribed by this Commission.

The Commission has weighed the evidence of record in this matter and finds that applicant has the financial responsibility required by Public Utilities Code Section 3572, for the issuance of a radial highway common carrier permit, and the ability and financial responsibility required by Public Utilities Code Section 3943, for the issuance of a city carrier permit. The Commission also finds that the evidence in this matter requires that when applicant employs subhaulers for the transportation of its own property, the property of Maier Brewing Company, or of the customers or suppliers of W-J Distributing Company or Maier Brewing Company, it shall pay said subhaulers 100 percent of the minimum rates prescribed by this Commission, and it will be so ordered.

O R D E R

A public hearing having been held, and based upon the evidence therein adduced,

IT IS ORDERED that a radial highway common carrier permit and a city carrier permit be issued to the applicant, W-J Distributing Company, subject to the restriction that when applicant uses sub-haulers for the transportation of its own property, the property of Maier Brewing Company, or the customers or suppliers of W-J Distributing Company or Maier Brewing Company, the applicant shall pay to said subhauler or subhaulers 100 percent of the applicable minimum rates for said transportation.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27th day of OCTOBER, 1962.

George H. Hoover
President
W. J. Russell
C. J. Fox
Robert W. Page
Fredrick B. Hulschiff
Commissioners