

ORIGINAL

Decision No. 67125

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
INTERSTATE FREIGHT CARRIERS CONFERENCE,) Application No. 46141
INC., for authority to cancel certain) (Filed January 22, 1964)
rates on commodities exempt from the)
provisions of minimum rate tariffs.)

OPINION AND ORDER

By this application, Interstate Freight Carriers Conference, Inc., seeks authority under Section 854 of the Public Utilities Code to cancel certain commodity rates currently published on behalf of Sterling Transit Co., Inc. (Sterling).

The rates herein involved apply for the transportation of commodities which are exempt from the minimum rate orders, namely, cotton, fresh pineapples destined to a cannery, agricultural insecticides and fungicides, newspaper supplements, sections or inserts, safflower seed, seeds to be sown or planted and dried vegetables. Applicant proposes to establish the class rates currently published in its Tariff No. 10 for the transportation of such commodities, which will result in increases.¹

Applicant states that it was authorized by Decision No. 66540 dated December 27, 1963, in Application No. 43036, to cancel these items for other carriers that participated in its tariff. Assertedly, Sterling was inadvertently omitted from that application.

¹ The rates are published in Items Nos. 4210, 4220, 4450, 4550, 4640, 4830 and 4930 of Interstate Freight Carriers Conference, Inc., Agent, California Common Carrier Motor Freight Local and Joint Tariff No. 10, Cal.P.U.C. No. 2.

Applicant avers that the rates which it seeks to cancel were published and made effective many years ago; from time to time, the Commission has modified outstanding minimum rate tariffs by increasing class and commodity rates subject to the provisions of such minimum rate tariffs; those modifications of the minimum rates have in many instances had no impact on the rates here involved, which have remained at the same level for many years past; the rates in question constitute a burden on other traffic; and such rates are unreasonable and depressed.

In the circumstances, it appears, and the Commission finds, that the cancellation of the rates as proposed by applicant and the resulting increased rates which will apply after said cancellation are justified. A public hearing is not necessary. The application will be granted.

IT IS ORDERED that:

1. Interstate Freight Carriers Conference, Inc., for and on behalf of Sterling Transit Co., Inc., is hereby authorized to cancel the commodity rates as proposed in the above-numbered application.
2. The authority to increase rates which is granted by the above Paragraph 1 may not be exercised to result in assessing class rates which, for the transportation of fresh pineapples to a cannery, are (a) higher in volume or effect than rates which are maintained for transportation of the same commodity which is subject to the minimum rates prescribed in the Commission's Minimum Rate Tariff No. 8, or (b) are higher in volume or effect than the minimum rates that apply for the transportation of said commodity pursuant to the provisions of the Commission's Minimum Rate Tariff No. 8.

3. In any instance or instances where the authority to assess class rates which is granted by the above Paragraph 1 may not be exercised because of the limitations prescribed in the above Paragraph 2, Interstate Freight Carriers Conference, Inc., for and on behalf of Sterling Transit Co., Inc., is authorized in such instance or instances to increase the commodity rates for the commodity listed in Paragraph 2

- a. To the level of the rates which it maintains in its tariff for transportation of the same commodity which is subject to the minimum rates prescribed in the Commission's Minimum Rate Tariff No. 8, or
- b. (In the event that it does not otherwise maintain in its tariff commodity rates for said commodity) to the level of the minimum rates for said commodity which is published in Minimum Rate Tariff No. 8.

4. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than thirty days after the effective date hereof on not less than thirty days' notice to the Commission and the public.

5. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

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

Dated at San Francisco, California, this 11th day of April, 1964.

William W. Dunne
President

Charles H. ...

Creed ...

George J. ...

Fredrick B. ...
Commissioners