

ORIGINAL

Decision No. 67331

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 transporta- )  
tion charges based on rates lower )  
than the minimum rates heretofore )  
established by the Commission. )

Application No. 46552  
(Filed April 16, 1964)

OPINION AND ORDER

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits and a certificate to operate as a highway common carrier.<sup>1</sup> By Decision No. 65647, dated July 2, 1963, in Application No. 45432, it was authorized 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 with July 7, 1964. By this application, authority is sought to continue to charge less than the minimum rates otherwise applicable for a further one-year period.

Applicant states that there has continued to be a substantial movement of the traffic embraced herein. The application alleges that the service is performed by applicant in substantially the same manner and to the same extent as in the past several years.

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<sup>1</sup> Applicant's highway common carrier certificate does not apply to the transportation of the commodities involved herein.

Applicant further states that the shipper owns and operates a substantial fleet of motor truck equipment for the transportation of certain of its products and, depending on the outcome of this proceeding, will provide its own truck service or continue to use applicant's service. Applicant is of the opinion that, unless the sought relief is granted, it may be deprived, through diversion, of a substantial volume of the aforementioned traffic and the transportation of other commodities for this shipper.

It is alleged that the traffic to be transported under the proposed rates will continue to return the full cost of rendering the service and make a contribution to profit requirements.

Attached to the application is a profit and loss statement for the year 1963 which indicates that the operations involved herein have been conducted at a profit.

The certificate of service states that a copy of the application was mailed to the shipper and California Trucking Association on April 16, 1964. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates as more specifically set forth in Appendix A hereof are reasonable. A public hearing is not necessary. The application should be granted.

IT IS ORDERED that:

1. Ted Peters Trucking Company, Inc., operating as a highway contract 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. The authority granted herein shall, on and after July 7, 1964, supersede the authority granted by Decision No. 65647, and shall expire with July 7, 1965.

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

Dated at San Francisco, California, this 3<sup>rd</sup> day of June, 1964.

William L. Bennett  
President  
John J. [unclear]  
Walter [unclear]  
George H. [unclear]  
Frederic B. Hallock  
Commissioners

APPENDIX A TO DECISION NO. 67331

IN APPLICATION NO. 46552

(Rates are stated in cents per 100 pounds)

1. Pies, NOI, not baked, frozen, in boxes, as described in Item 74340 of National Motor Freight Classification A-7; Dough, prepared, not cooked, frozen, as described in Item 336 of Minimum Rate Tariff No. 2 and included under the general description of "Food, prepared, frozen" as described in Item 73180 of National Motor Freight Classification A-7; Cakes, cookie rolls, frozen, described as "Bakery Goods, NOI, Frozen" in Item 21190 of National Motor Freight Classification A-7, 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	47
(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	61
(c) Sacramento and intermediate points between Fresno and Sacramento on U. S. Highway 99 and State Highway 33	61
(d) Chico and intermediate points between Sacramento and Chico on U. S. Highways 40, 99-E and 40 Alternate	78

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	47
(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	61
(c) Sacramento and intermediate points between Sacramento and Fresno on U. S. Highway 99 and State Highway 33	61
(d) Chico and intermediate points between Chico and Sacramento on U. S. Highways 40, 99-E and 40 Alternate	78

NOTES:

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