

ORIGINAL

Decision No. 69249

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:
JOHN T. CEALKE, an individual, for)
authority to depart from minimum)
rates, pursuant to Sections 3666 and)
4015 of the Public Utilities Code.)

Application No. 47581
(Filed May 12, 1965)

OPINION AND ORDER

Applicant holds highway contract and city carrier permits. By Decision No. 67290 dated May 26, 1964, in Application No. 46592, he was authorized to depart from the provisions of the minimum rate tariffs in connection with certain transportation performed for The Great Atlantic & Pacific Tea Company from that company's Los Angeles warehouse to its retail stores in southern California. This authority permits a deviation from the requirement that each article in a shipment be classified separately for rating purposes, and permits the observance of designated bases for related services other than those which ordinarily would apply under the governing minimum rate tariffs. The authority is scheduled to expire with June 25, 1965. By this application, applicant seeks an extension of the current authority for a further one-year period.

According to the application, the conditions prevailing at the time of the original application continue to exist. Applicant states that he is satisfied from checks made of shipments transported since the issuance of Decision No. 67290, supra, that the transportation now performed is in substantial identity with the classifications set forth in the current authority. Applicant

alleges that the nature of the commodities varies but slightly from year to year. Assertedly, a large volume of groceries, produce and related articles continues to be tendered, and such commodities are of a type which may be handled rapidly and efficiently.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable in the future.¹

Applicant avers that continuation of the rates is necessary and essential in order to preserve the long standing transportation arrangements between the applicant and his shipper and to preserve the traffic on a for-hire basis.

The certificate of service shows that a copy of the application was mailed to the shipper and California Trucking Association on May 12, 1965. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed bases of rating and charges are reasonable and consistent with the public interest. The application should be granted. A public hearing is not necessary.

In view of the impending expiration date of the current authority, the order which follows will be made effective June 25, 1965.

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The authorized rates are related to the established minimum class rates and hence are adjusted concurrently with changes in the minimum rates.

IT IS ORDERED that:

1. John T. Chalke is hereby authorized to depart from the provisions of the minimum rate orders otherwise applicable to the transportation services which he performs for The Great Atlantic & Pacific Tea Company to the extent specifically provided in Appendix A attached hereto and by this reference made a part hereof and to assess rates less than the minimum rates otherwise applicable for such services but not less than the rates provided in and subject to the conditions shown in said Appendix A.

2. The authority herein granted shall, on and after June 25, 1965, supersede the authority granted by Decision No. 67290, and shall expire with June 25, 1966.

The effective date of this order shall be June 25, 1965.

Dated at San Francisco, California, this 15th day of June, 1965.

Fredrick B. Hallock
President
George T. Hoover
Augustor
William L. Bennett
Commissioners

APPENDIX A TO DECISION NO. 69249

The authority herein granted applies only in connection with property transported by John T. Chalke (hereinafter called "the carrier") for The Great Atlantic & Pacific Tea Company (hereinafter called "the shipper") between points in the southern California area south or southerly of, and including, the cities of Santa Barbara and Taft.

Section I

The authority granted in this section applies only to shipments of property which originate at shipper's warehouse located at 4510 South Boyle Avenue, Los Angeles, and which are delivered to shipper's retail stores in the southern California area as above described.

Item 1. The carrier is authorized to classify, for rate purposes, shipments of property (see Note) which are subject to the provisions of this Section as follows:

(a) Shipments subject to a minimum weight of 20,000 pounds:

<u>Percent of total weight of shipment</u>	<u>Rate as</u>
.011	150% of 1st class
.144	110% of 1st class
9.437	1st class
13.288	2nd class
6.770	3rd class
69.108	4th class
1.242	90% of 4th class

(b) Shipments subject to a minimum weight of less than 20,000 pounds:

Rate as third class.

Note: The term "property" as used in this item means those articles of merchandise and store supplies listed in Exhibit No. 1 in Application No. 34192 and merchandise and store supplies of similar nature or purpose.

Item 2. The carrier is authorized to assess and collect charges for the transportation of property classified in accordance with the provisions of Item 1 above on the basis of composite rates, representing the percentage distributions shown therein.

- Item 3. In connection with the computation and collection of charges for a shipment transported in split-delivery service, the carrier is authorized to apply the additional charges provided in Item No. 171 of Minimum Rate Tariff No. 2 and in Item No. 180 of Minimum Rate Tariff No. 8 on the basis of the average weight, instead of the actual weights, of several component parts of the shipment.

Section II

- Item 1. The carrier is authorized to use, in lieu of other shipping documents, the forms of documents submitted as part of Exhibit No. 3 in Application No. 31378, provided that:

- (a) The documents shall contain all of the information necessary for an accurate determination of the applicable rates and charges; and
- (b) The documents covering each shipment, if separated, shall be cross-referenced and filed in a manner permitting ready assembly.

The term "groceries" may be used to identify collectively, in the shipping documents herein authorized, the various articles of merchandise and other property which are classified in accordance with the provisions of Item 1, Section I, above.

(End of Appendix A)