

ORIGINAL

Decision No. 69467

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

| | | |
|--------------------------------------|---|-----------------------|
| Application of Consolidated Freight- |) | |
| ways Corporation of Delaware, |) | |
| a corporation, for authority to |) | Application No. 47597 |
| depart from the rates, rules and |) | (Filed May 19, 1965) |
| regulations of City Carriers' |) | |
| Tariff No. 1-A under the provi- |) | |
| sions of the City Carriers' Act. |) | |

OPINION AND ORDER

Consolidated Freightways Corporation of Delaware, a corporation, operates, among other operating authorities, as a city carrier.¹ By Decision No. 67539 dated July 14, 1964, in Application No. 46670, as amended, it was authorized to charge a rate less than the established minimum rate for the transportation of malt barley from the plant of Bauer-Schweitzer Malting Co., Inc., in San Francisco to various breweries in San Francisco. The authorized rate is 11½ cents per 100 pounds and is subject to a minimum weight equivalent to the legal carrying capacity of applicant's trailer used for the haul. The current authority is scheduled to expire with August 3, 1965.

By this application, applicant seeks authority to continue the present deviation from the established minimum rate for a one-year period. As recited in Decision No. 67539, applicant and its predecessor, Farnsworth & Ruggles, have transported malt barley to the various San Francisco breweries from the plant site of Bauer-Schweitzer Malting Co., Inc., for over twenty years. This transportation is now performed with four specially designed and constructed top-loading bottom-dump trailers, which are not used in any other service.

¹ Applicant also operates as a radial highway common carrier, highway contract carrier, highway common carrier and petroleum irregular route carrier under other operating authorities granted by this Commission but not involved in this proceeding.

In the prior application for this authority, applicant asserted that the operation is made profitable by both loading and unloading being performed by gravity and, consequently, by low labor costs being incurred. It was further asserted that any rate in excess of 11½ cents per 100 pounds would result in charges that are unreasonable, unjust and contrary to the public interest and would only result in the diversion of the traffic to proprietary transportation.

Applicant alleges that all of the facts and circumstances set forth in its prior application still exist. It further alleges that continuation of the present authority will provide the shipper with a valuable and necessary service, make a valuable contribution to applicant's overall operating revenue, provide for extraordinarily efficient utilization of applicant's equipment and will be in the public interest.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable for the ensuing year.

The application was listed on the Commission's Daily Calendar of May 20, 1965. The certificate of service shows that a copy of the application was mailed to Draymen's Association of San Francisco and to California Trucking Association on May 18, 1965. No objection to the granting of this application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rate is reasonable and consistent with the public interest. A public hearing is not necessary. The application should be granted. In view of the impending expiration date of the current authority, the order which follows will be made effective August 3, 1965.

IT IS ORDERED that:

1. Consolidated Freightways Corporation of Delaware, a corporation, is authorized to transport malt barley from the plant site of Bauer-Schweitzer Malting Co., Inc., in San Francisco to breweries in San Francisco at a rate less than the established minimum rate but not less than $11\frac{1}{2}$ cents per 100 pounds, subject to a minimum weight equivalent to the legal capacity of the trailer used.

2. The authority herein granted shall, on and after August 3, 1965, supersede the authority granted by Decision No. 67539, and shall expire with August 3, 1966.

The effective date of this order shall be August 3, 1965.

Dated at San Francisco, California, this 27th day of July, 1965.

Frederick B. Holhoff
President

George T. Hoover

Avogadro

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.