

**ORIGINAL**Decision No. 70023

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 E. GUY WARREN, doing business as  
 WARREN TRANSPORTATION CO. for an  
 order amending its certificate of  
 public convenience and necessity to  
 operate as a highway common carrier  
 to exclude a specified commodity  
 therefrom.

Application No. 47949

O P I N I O N

E. Guy Warren, doing business as Warren Transportation Co., requests authority to delete from his certificated highway common carrier authority the right to transport shipments of liquid sugar in bulk.

It is alleged that liquid sugar moves from sugar refineries in full loads, in bulk, in tank equipment; transportation cost is a vital element in the competition among such refineries; special circumstances in varying situations require specific rate adjustments; in apparent recognition of this fact, the Commission has not established minimum rates for such transportation; applicant has had to publish rates for such service and has, by reason thereof, suffered from diversion of business to others who undercut applicant's rates; applicant's solicitation for new business has been largely unsuccessful since permitted carriers can and do underbid applicant's published rates; the extreme competition from permitted carriers who have rate flexibility has adversely affected applicant's ability to gain new business or to retain old accounts; applicant is now faced with the loss of an old and valued shipper unless it can obtain the same flexibility that applicant's competitors enjoy; the loss of the needed revenues derived from this shipper would be a severe blow to applicant and would threaten his

ability to maintain a fleet of tank truck equipment for the transportation of liquid sugar which is necessary if applicant is to continue to offer service to shippers of said commodity; there is presently substantial competition for the considered traffic and issuance of the requested authority will not to any degree lessen the transportation service which is available to shippers and receivers of liquid sugar; and because a more satisfactory service will be afforded by the conversion of the involved operation to permitted carriage, the public will be benefited by the granting of the application.

After consideration the Commission finds the granting of the requested authority would not be adverse to the public interest. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Decision No. 45417, dated March 6, 1951, in Application No. 30128, as amended by Decisions Nos. 45792, 50499, 53170, 57688, 57964 and 66259, is hereby further amended by adding to ordering paragraph 2 of said Decision No. 45417 a subparagraph to be designated as subparagraph (i) and to read as follows:

(i) Applicant shall not transport any shipments of liquid sugar in bulk.

2. After the effective date hereof and on not less than ten days' notice to the Commission and to the public applicant shall amend its tariff presently on file with the Commission to reflect the authority herein granted.

3. The authority herein granted shall expire unless exercised within one hundred twenty days after the effective date of this order.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of NOVEMBER, 1965.

Frederick B. Hallock  
President  
John E. ...  
George A. ...  
William ...

**Commissioners**

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.