

Decision No. 71052

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Consolidated Freight-
ways Corporation of Delaware,
a corporation, for authority to
depart from the rates, rules and
regulations of City Carriers'
Tariff No. 1-A under the provisions
of the City Carriers' Act.)

Application No. 48456
(Filed May 6, 1966)

OPINION AND ORDER

Consolidated Freightways Corporation of Delaware, a
corporation, operates as a city carrier.¹ By Decision No. 69467
dated July 27, 1965, in Application No. 47597, 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 each haul. The current
authority is scheduled to expire with August 3, 1966.

By this application, applicant seeks authority to
continue the present deviation from the established minimum rate
for a further one-year period. As recited in Decision No. 67539,²
applicant and its predecessor, Farnsworth & Ruggles, have trans-
ported malt barley to 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 type of 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.

² Decision No. 67539 dated July 14, 1964, in Application No. 46670,
as amended.

In its amended Application No. 46670, applicant asserted that the operation is made profitable since both loading and unloading are performed by gravity and, consequently, lower labor costs are 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 more 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 during the ensuing year.

The certificate of service shows that copies of the application were mailed to Draymen's Association of San Francisco and to California Trucking Association on May 5, 1966. The application was listed on the Commission's Daily Calendar of May 9, 1966. No objection to the granting of the 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 Commission concludes that 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, 1966.

IT IS ORDERED that:

1. Consolidated Freightways Corporation of Delaware, a corporation, is hereby authorized to transport malt barley from the plant site of Bauer-Schweitzer Maltng Co., Inc., in San Francisco to various 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 carrying capacity of the trailer used.

2. The authority granted herein shall, on and after August 3, 1966, supersede the authority granted by Decision No. 69467, and shall expire with August 3, 1967.

The effective date of this order shall be August 3, 1966.

Dated at San Francisco, California, this 26th day of July, 1966.

George E. Hoover
President

George E. Hoover

Fredrick B. Helms

Augustus

William W. Bennett
Commissioners