

**ORIGINAL**

Decision No. 72480

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
HARRY MCKENZIE TRUCKING CO., a cor- )  
poration, for an order authorizing )  
departure from the rates, rules and )  
regulations of Minimum Rate Tariff )  
No. 2, pursuant to the provisions )  
of Section 3666 of the Public )  
Utilities Code for the transporta- )  
tion of brandy. )

Application No. 49293  
(Filed April 17, 1967)

OPINION AND ORDER

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits.<sup>1</sup> By Decision No. 70800 dated June 1, 1966, in Application No. 48433, applicant was authorized to transport brandy, in barrels, for Fromm & Sichel, Inc., between Lac Jac, on the one hand, and Biola, Fowler, Monmouth and Mission Bell, on the other hand, at rates less than the established minimum rates. The current authority is scheduled to expire with June 17, 1967.

By this application, authority is sought to continue the deviation from the established minimum rates for a further one-year period. Applicant also requests that the rate between Lac Jac and Monmouth be increased by one-half cent per 100 pounds and the rates between Lac Jac and Biola, Fowler and Mission Bell be increased by 1 cent per 100 pounds.<sup>2</sup>

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<sup>1</sup>It is also authorized to operate as a highway common carrier of specified commodities between points not involved herein.

<sup>2</sup>No authority for the proposed increase in rates is required from this Commission inasmuch as applicant performs the service as a permitted carrier for which only minimum rates have been established.

Applicant alleges that, except for increased labor costs which will become effective July 1, 1967, other costs and the conditions relating to the service involved have remained virtually unchanged. Applicant avers that the proposed increases in rates will compensate it for such increased labor costs.

Data furnished by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable in the future.

Applicant declares that the record in prior proceedings has indicated that the shipper, Fromm & Sichel, Inc., is prepared to engage in proprietary operations, should the need arise, and has the necessary facilities to do so. Applicant asserts that continuation of the authority sought herein is essential in order that it may retain the shipper's traffic.

The certificate of service shows that copies of the application were mailed to various parties believed to be interested, including California Trucking Association. The application was listed on the Commission's Daily Calendar of April 19, 1967. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Harry McKenzie Trucking Co., a corporation, is hereby authorized to transport brandy, in barrels, between Lac Jac, on the one hand, and Biola, Fowler, Monmouth and Mission Bell, on the other hand, for Fromm & Sichel, Inc., at rates less than the

established minimum rates but not less than the following, subject to a minimum weight of 40,000 pounds per shipment:

<u>Between Lac Jac and</u>	<u>RATE (In Cents Per 100 Pounds)</u>
Biola	16.5
Fowler	14
Monmouth	12.5
Mission Bell	20

2. The authority herein granted shall, on and after June 17, 1967, supersede the authority granted by Decision No. 70800 and shall expire with June 17, 1968.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of May, 1967.

*John E. Mitchell*  
President  
*William W. Berwick*  
*Augusta*  
*William Sprague Jr.*  
*Fred P. Monseur*  
Commissioners