

Decision No. 72523

**ORIGINAL**

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. 49361
depart from the rates, rules and	)	(Filed May 10, 1967)
regulations of City Carriers'	)	
Tariff No. 1-A under the provisions	)	
of the City Carriers' Act.	)	

OPINION AND ORDER

Consolidated Freightways Corporation of Delaware, a corporation, operates as a city carrier.<sup>1</sup> By Decision No. 71052 dated July 26, 1966, in Application No. 48456, 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, 1967.

By this application, applicant seeks authority to assess the same less-than-minimum rate as now authorized for a further one-year period. As recited in Decision No. 67539,<sup>2</sup> applicant and its predecessor, Farnsworth & Ruggles, have transported shipments of malt barley to various San Francisco breweries from the plant site of Bauer-Schweitzer Malting Co., Inc., for a period of over twenty years. The transportation performed under this authority involves the use of four specially designed and constructed top-loading bottom-dump trailers which are not used in any other type of service.

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<sup>1</sup> 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.

<sup>2</sup> Decision No. 67539 dated July 14, 1964, in Application No. 46670, as amended.

In its amended Application No. 46670, applicant asserted that operations performed under this authority are profitable inasmuch as both loading and unloading are performed by gravity and, as a result, 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 result in the diversion of such 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 existing 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 California Trucking Association on May 10, 1967. The application was listed on the Commission's Daily Calendar of May 11, 1967. 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.

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 Malting 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, 1967, supersede the authority granted by Decision No. 71052, and shall expire with August 3, 1968.

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

Dated at San Francisco, California, this 31<sup>st</sup> day of May, 1967.

John E. Mitchell  
President

William L. Bennett  
August 3, 1967

William Squares  
And P. Monsey  
Commissioners