

ORIGINAL

Decision No. 72588

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of TED PETERS TRUCKING COMPANY,)
INC., for authority under Section)
3666 of the Public Utilities Code)
to assess and collect transporta-)
tion charges based on rates lower)
than the minimum rates heretofore)
established by the Commission.)

Application No. 49392
(Filed May 22, 1967)

OPINION AND ORDER

Ted Peters Trucking Company, Inc., holds radial highway common carrier, highway contract carrier and city carrier permits and a certificate to operate as a highway common carrier.¹ By Decision No. 70888 dated June 21, 1966, in Application No. 48473, it was authorized, as a highway contract carrier, to assess rates less than the minimum rates otherwise applicable for the transportation of: (1) frozen pies, cakes, cookie rolls and dough for the Carnation Company northbound from Los Angeles Territory to San Francisco Territory, Fresno, Sacramento, Chico and certain intermediate points; and (2) fresh frozen fruits and berries for that company southbound from those same points generally and Watsonville to Los Angeles Territory. The current authority is scheduled to expire with July 7, 1967. By this application, applicant seeks an extension of the current rate authority for a further one-year period.

¹ Applicant's highway common carrier certificate does not apply to the transportation of the commodities involved herein.

According to applicant, there continues to be a large movement of the traffic embraced within this authority. In addition, applicant states that this shipper continues to offer it a substantial volume of truckload shipments of other commodities for transportation between the same points as those included under this authority.

Applicant asserts that the shipper owns and operates a large fleet of motor truck equipment for the transportation of certain of its products and is in a position to perform its own transportation if the authority sought herein is not granted. Unless the sought relief is granted, applicant is of the opinion that it may be deprived, through diversion, of a substantial volume of the traffic now transported under this authority as well as considerable other traffic which it transports for this shipper.

It is alleged that the traffic to be transported under the proposed rates will continue to return to applicant the full cost of rendering the service involved and make a contribution to its profit requirements. Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable in the future.

The certificate of service shows that copies of the application were mailed to the shipper and California Trucking Association on May 22, 1967. The application was listed on the Commission's Daily Calendar of May 23, 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 as specifically set forth in the application are reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Ted Peters Trucking Company, Inc., operating as a highway contract carrier, is hereby authorized to transport frozen cakes, frozen pies, frozen cookie rolls and frozen dough, in straight or mixed shipments, and fresh frozen fruits and fresh frozen berries for the Carnation Company at rates less than the established minimum rates but not less than those set forth, and subject to the conditions specified, in Appendix A attached hereto and by this reference made a part hereof.


2. The authority granted herein shall, on and after July 7, 1967, supersede the authority granted by Decision No. 70888, and shall expire with July 7, 1968.

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

Dated at San Francisco, California, this 9th day of June, 1967.



President





Commissioners

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

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

APPENDIX A TO DECISION NO. 72588

TED PETERS TRUCKING COMPANY, INC.

(Rates are stated in cents per 100 pounds)

1. Pies, NOI, not baked, frozen, in boxes, as described in Item 74340 of National Motor Freight Classification A-9; Dough, prepared, not cooked, frozen, as described in Item 336 of Minimum Rate Tariff No. 2 and included under the general description of "Food, prepared, frozen" as described in Item 73180 of National Motor Freight Classification A-9; Cakes, cookie rolls, frozen, described as "Bakery Goods, NOI, Frozen" in Item 21190 of National Motor Freight Classification A-9, in straight or mixed shipments, minimum weight 36,000 pounds.

From Los Angeles Territory, as defined in Minimum Rate Tariff No. 2,
to:

	<u>Rate</u>
(a) Fresno and intermediate points on U. S. Highway 99	51
(b) San Francisco Territory, as defined in Minimum Rate Tariff No. 2, and intermediate points between Fresno and San Francisco on U. S. Highways 99 and 50, and State Highway 33, and intermediate points between Gilroy and San Francisco on U. S. Highway 101	55
(c) Sacramento and intermediate points between Fresno and Sacramento on U. S. Highway 99 and State Highway 33	66
(d) Chico and intermediate points between Sacramento and Chico on U. S. Highways 40, 99-E and 40 Alternate	84

2. Fresh Frozen Fruit and Fresh Frozen Berries, minimum weight 38,000 pounds.

To Los Angeles Territory, from:

(a) Fresno and points and places within 25 miles thereof, except points on U. S. Highway 99 north of Fresno, and intermediate points between Fresno and Bakersfield, on U. S. Highway 99	51
(b) San Francisco Territory, and intermediate points on U. S. Highway 99 and State Highway 33 north of Fresno, on U. S. Highway 101 between San Francisco and Gilroy, and off-route points within 10 miles of Watsonville	66
(c) Sacramento and intermediate points between Sacramento and Fresno on U. S. Highway 99 and State Highway 33	65
(d) Chico and intermediate points between Chico and Sacramento on U. S. Highways 40, 99-E and 40 Alternate	84

NOTES:

1. All of the foregoing rates are intended to include refrigeration service without additional charge.
2. All of the foregoing rates are intended to include an allowance for loading at points of origin of one man for 4 hours per shipment of 36,000 pounds or more. When additional loading time is required, additional charges on the basis of those provided in Minimum Rate Tariff No. 2 will be assessed.
3. All of the foregoing rates are intended to include split pickup or split delivery service, subject to the additional split pickup or split delivery charges provided in Minimum Rate Tariff No. 2.
4. No shipment of fresh frozen fruits or of fresh frozen berries, transported under any of the rates authorized herein, shall be accorded split pickup service both at a point or points specified in Note A and at a point or points specified in Note B, below.
5. No shipment of frozen pies, frozen cakes, or frozen dough, or frozen cookie rolls transported under any of the rates authorized herein shall be accorded split delivery service both at a point or points specified in Note A, and at a point or points specified in Note B, below.

Note A

San Francisco Territory, as defined in Minimum Rate Tariff No. 2; points on U. S. Highway 101, Gilroy to, but not including, said San Francisco Territory; points within 10 miles of Watsonville.

Note B

Points on U. S. Highway 99 north of State Highway 152; points on State Highway 33 north of State Highway 152.

(End of Appendix A)