

ORIGINAL

74054

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway car-)
riers and city carriers relating to)
the transportation of any and all)
commodities between and within all)
points and places in the State of)
California (including, but not)
limited to, transportation for which)
rates are provided in Minimum Rate)
Tariff No. 2).)

Case No. 5432
(Petition for Modification
No. 494)
(Filed March 19, 1968)

INTERIM OPINION AND ORDER

John M. Brainerd, doing business as Flo' Del Company,
operates as a highway common carrier for the transportation of fresh
cut flowers, potted plants, fresh floral wreaths and other floral
arrangements weighing 50 pounds or less between points generally
encompassed by San Francisco, San Leandro, Palo Alto, Fairfax, San
Rafael and Walnut Creek.

By this petition, petitioner seeks interim authority for
a six-month period to publish charges per shipment less than those
set forth in Minimum Rate Tariff No. 2 for the transportation of the
above commodities from retail florists when the distance between
origin and destination exceeds 35 constructive miles.¹

¹Petitioner's present and proposed minimum charges for the involved
transportation are as follows:

Weight of Shipment (In Pounds)		Present Minimum Charge in Cents	Proposed Minimum Charge in Cents
Over	But Not Over		
0	14	280	175
14	25	280	200
25	29	335	225
29	50	335	250

Petitioner points out that, under the provisions of Minimum Rate Tariff No. 2, similar shipments transported 35 miles or less are exempt from the minimum rates named therein.² Petitioner avers that he is authorized to serve numerous points that are in excess of 35 miles from San Francisco, the principal point of origin on shipments handled by him, and that retail consignments from San Francisco to such points are not exempt.³

Petitioner alleges that 95 percent of his shipments weigh 14 pounds or less and that he has lost the major part of traffic formerly handled to points of destination located more than 35 miles from the origin point due to the high cost for such transportation service. By reason of such high transportation cost, petitioner contends that a practice has developed whereby a retail florist, on receiving an order for flowers which involves delivery to a distant point, telephones a local florist at the destination point to make delivery from the latter's own stock. Petitioner declares that the latter florist then compensates the florist at point of origin based on a percentage of the sale price to the customer, generally about 20 percent. Under such an arrangement, petitioner states that no intercity transportation service is performed by him and that he suffers the loss of this traffic and the revenue therefrom.

2

Item No. 41 of Minimum Rate Tariff No. 2 exempts from the application of the minimum rates named therein shipments weighing 100 pounds or less when delivered from retail stores where the property has been sold at retail by a retail merchant when the distance between point of origin and destination does not exceed 35 constructive miles.

3

These points include San Anselmo, Fairfax, Lafayette, Walnut Creek and portions of Oakland, Piedmont, San Leandro and Palo Alto, as well as certain unnamed intermediate points.

Petitioner asserts that the proposed charges will enable him to recover such lost traffic and will serve as an inducement to attract additional traffic. Petitioner avers that he operates a fleet of specialized walk-in-van type vehicles equipped with special racks used in transporting the flowers and floral pieces and that such vans are now only loaded to approximately 50 percent of capacity. According to petitioner, the proposed charges will result in an increase in traffic and improved revenues with little or no additional operating cost.

Petitioner declares that he has been informed by members of the San Francisco retail florist trade that their sales of flowers to destination points over 35 miles from point of origin have decreased substantially due to the high transportation cost involved. Attached to the petition are copies of letters from six retail florists urging petitioner to obtain the necessary authority to reduce the charges for the transportation in question so that they may be able to compete with other florists for this traffic.

Copy of the petition was mailed to California Trucking Association. The petition was listed on the Commission's Daily Calendar of March 20, 1968. No objection to the granting of the petition has been received.

Subject to further review upon consideration of additional evidence which may be adduced at a public hearing to be scheduled in this proceeding, it appears, and the Commission finds, that the rates sought herein are reasonable and justified by transportation conditions. In view of the conditions which exist and the urgent need by the carrier for such authority, the Commission concludes that petitioner should be granted interim authority for a period of approximately six months. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. John M. Brainerd is hereby authorized to publish and file, to expire with November 6, 1968, minimum charges per shipment for the transportation of fresh cut flowers, potted plants, fresh floral wreaths and other floral arrangements as set forth, and subject to the conditions specified, in Appendix A attached hereto and by this reference made a part hereof.


2. Tariff filings required by the order herein may be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and to the public.


3. The interim authority granted herein shall expire with November 6, 1968, unless sooner canceled, modified or extended by order of the Commission.

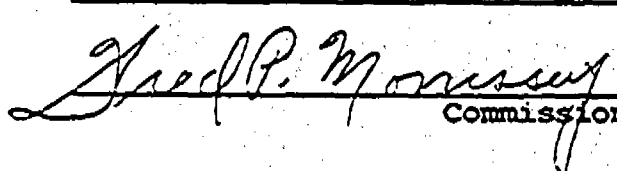
4. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this petition and final disposition thereof.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 30th day of April, 1968.



President


Secretary


Commissioners

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

APPENDIX A TO DECISION NO. 74054

1. John M. Brainerd, doing business as FLO' DEL COMPANY, is authorized to establish minimum charges as set forth below for the transportation of shipments of fresh cut flowers, potted plants, fresh floral wreaths and other floral arrangements, weighing 50 pounds or less, from retail florists and between points served along the authorized routes indicated, when the distance between such points exceeds 35 constructive miles determined in accordance with the provisions of the Commission's Distance Table 6 (governing distance table):

Weight of Shipment (In Pounds)		Minimum Charge In Cents per Shipment	
Over	But Not Over	(a)	(b)
0	14	175	175
14	25	200	200
25	29	225	225
29	50	250	250

- (a) Applies to shipments from retail florists located on ROUTE 1 or ROUTE 2 when the distance between point of origin and point of destination exceeds 35 miles computed in accordance with governing distance table.
- (b) Applies to shipments from retail florists to their customers located on ROUTE 3 or ROUTE 4, when the distance between point of origin and point of destination exceeds 35 miles computed in accordance with governing distance table.

ROUTE 1.-San Francisco, El Cerrito, Albany, Berkeley, Piedmont, Emeryville, Oakland, Alameda and San Leandro.

ROUTE 2.-San Francisco, Palo Alto and intermediate points upon U. S. Highways 101 and By-Pass 101.

ROUTE 3.-San Francisco, Sausalito, Mill Valley, Corte Madera, Larkspur, Ross, Kentfield, San Anselmo, Fairfax, San Rafael, Tiburon, Belvedere and intermediate points.

ROUTE 4.-San Francisco, Orinda, Lafayette, Walnut Creek and intermediate points.

(End of Appendix A)