

ORIGINAL

Decision No. 74429

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 AMERICAN TRANSFER CO., a Corpora-)
 tion, for Enlargement and Extension)
 of Existing Operative Rights and)
 for Authority to Operate All of)
 Applicant's Existing and Proposed)
 Highway Common Carrier Service as a)
 Consolidated and Unified System for)
 the Transportation of Property)
 under and pursuant to Section No.)
 1063, Section No. 1064, and Section)
 No. 1065 of the Public Utilities)
 Code and Section No. 206(a)(6) of)
 the Interstate Commerce Act)
 [49 U.S.C. 306] .

Application No. 49941
 (Filed January 11, 1968;
 Amended June 18, 1968)

O P I N I O N

By its application, as amended, American Transfer Co., presently operating as a highway common carrier between various points within the State, requests authority to transport oleomargarine, when moving in special refrigerated equipment, to, from or between all points covered by the operating authority granted by Decision No. 60572 in Application No. 41511.

It is alleged that following the filing of the application, applicant further reviewed its operations and determined that the only commodity which it has been transporting requiring refrigerated equipment was oleomargarine; this commodity was transported in mixed shipments of commodities not requiring refrigeration for Best Foods Division of Corn Products Company which had been regularly served by the applicant for some thirty-three years, long prior to its having become a certificated carrier; neither applicant nor its shipper was aware that there was any question concerning the proper rating

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of such shipments; no question has been raised by the Commission with respect to ratings on these mixed shipments; however, following the filing of the application and upon consultation with the shipper and advice of counsel, it was determined that there was a substantial question as to applicant's right to charge rates on the total weight of mixed shipments of oleomargarine and other commodities not required to be moved under refrigeration; while oleomargarine does not require refrigeration during substantial portions of the year, nevertheless, neither applicant nor its shipper desires to risk violating the Commission's rate orders; therefore, applicant has discontinued transporting oleomargarine and as a result has lost all of the business of its shipper, which has been to the substantial detriment of applicant by reason of the large revenue loss and the inability of applicant to use the refrigerated trailers for any other shipper so they are now standing idle; the granting of this application enabling applicant to transport the oleomargarine under refrigeration as a certificated carrier between the same points it now transports commodities generally (including oleomargarine not under refrigeration) will not adversely affect existing carriers since this business has been enjoyed by applicant for some thirty-three years; and it is applicant which is impaired by the loss of revenue due to the technical limitation on its rights.

The certificates of service show that copies of the application and amendment were mailed to various interested parties on January 9, 1968 and June 17, 1968, respectively. The application and amendment were listed on the Commission's Daily Calendars of January 12, 1968 and June 19, 1968, respectively. No objection to the granting of the amended application has been received.

After consideration the Commission finds that public convenience and necessity require the granting of the application as amended and that the granting thereof will have no adverse effect upon the existing carriers who heretofore notified the Commission of their intent to protest the application in its original form. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 60572 in Application No. 41511 is hereby amended by substituting First Revised Page 2 attached hereto in place of Original Page 2.
2. After the effective date hereof and on not less than five days' notice to the Commission and to the public, applicant shall amend its tariffs presently on file with the Commission to reflect the authority herein granted.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of JULY, 1968.

William S. ...
President

William ...

Fred P. Monseif
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

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Appendix A
(Dec. 60572)

AMERICAN TRANSFER CO.
(a corporation)

First Revised Page 2
Cancels
Original Page 2

2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
4. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment, with the exception of oleomargarine.
5. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles.
6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

Issued by California Public Utilities Commission.

Decision No. 74429, Application No. 49941.