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Decision No. 74808

**ORIGINAL**

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 )  
carriers 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)

E. H. Griffiths and George B. Dill, for  
petitioner.  
Richard W. Smith, A. D. Poe and H. F.  
Kollmyer, for California Trucking  
Association, interested party.  
Joseph C. Matson and Ralph E. Douglas,  
for the Commission staff.

O P I N I O N

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 sought authority 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.<sup>1/</sup> By Decision No. 74054, dated

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<sup>1/</sup> 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.

April 30, 1968, in this proceeding, publication of the sought rates was authorized on an interim basis pending a public hearing. The rates expire November 6, 1968.

Public hearing was held September 16, 1968, at San Francisco before Examiner Turpen. Testimony in support of the petition was presented by petitioner and by his accountant. No one opposed granting of the petition.

Decision No. 74054 describes the operations involved and the conditions which led petitioner to seek authority for the lower rates. The evidence adduced at the public hearing confirms such data. In addition, exhibits introduced by the witnesses show the lower rates produced more shipments than in the same period last year with the higher rates, and resulted in an increase in revenues without a corresponding increase in expenses. Petitioner also testified that he is the only carrier in the San Francisco Bay area engaged in this type of transportation.

In the circumstances it appears, and the Commission finds, that the rates sought herein are reasonable and justified by transportation conditions. The Commission concludes that the authorized rates should be continued for a further one year period. In view of the expiration date of the currently published rates, the order which follows will be made effective on the date hereof.

O R D E R

IT IS ORDERED that:

1. John M. Brainerd is hereby authorized to publish and file, to expire with November 6, 1969, 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.

This order shall become effective on the date hereof.

Dated at Los Angeles, California, this 8th  
day of OCTOBER, 1968.

William J. Lyons, Jr.  
President  
John E. B. B. B.  
William B. B. B.  
Augusta  
John B. Monsey  
Commissioners

## APPENDIX A

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<br>(In Pounds) |          | Minimum Charge<br>In Cents per Shipment |     |
|-----------------------------------|----------|---|-----|
| But                               |          |   |     |
| Over                              | 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.