

ORIGINAL

Decision No. 74883

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of H-P PRODUCE COMPANY, a)
corporation, under Section 3666)
of the Public Utilities Code of)
the State of California, for)
Authority to Deviate from the)
Provisions of (sic) Item No. 255)
of Minimum Rate Tariff No. 2 in)
Connection with the Transportation)
of Freight from Fresno to Yosemite)
Village, California, for the)
Account of YOSEMITE PARK &)
CURRY CO.)

Application No. 50550
(Filed September 16, 1968)

OPINION AND ORDER

H-P Produce Company, a corporation, conducts operations pursuant to a highway contract carrier permit. By Decision No. 73023 dated September 6, 1967, in Application No. 48417, it was authorized to deviate from the shipping document provisions of Minimum Rate Tariff No. 2¹ when transporting property for the Yosemite Park and Curry Co. (Curry) from Fresno to Yosemite Village located in Yosemite National Park. The current authority is scheduled to expire November 1, 1968. By this application, authority is sought to continue the present deviation from the minimum

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Sections 1(e) and 2(f) of Item No. 255 of the tariff require that the shipping documents issued by the carrier describe the property constituting the shipment in terms of the Governing Classification, Exception Ratings Tariff or as provided in the minimum rate tariff. In lieu of such descriptions, applicant is authorized to describe articles rated "first class or lower" on the shipping document issued to cover certain Curry shipments as "Merchandise Rated First Class or Lower." For the transportation of articles so described, applicant is authorized to assess the first class rates applicable to the respective weight of such merchandise. Whenever articles rated higher than first class are received for the account of Curry, such articles are described, rated and charged for according to the provisions of the governing minimum rate tariff.

rates for a further period of one year.

As recited in Decision No. 73023, supra, applicant transports general commodities from Fresno to the warehouse of Curry at Yosemite Village. The majority of the merchandise is shipped "Collect" and transportation charges thereon are paid by Curry. The description of shipments by Curry, as proposed by applicant, will not only save billing time and expense but the resulting freight charges will exceed those otherwise applicable under Minimum Rate Tariff No. 2. The proposed relief is limited to Curry traffic received during a single day by its agent or representative at Fresno who, in turn, consolidates such traffic and tenders it to applicant at its Fresno terminal, with a single bill of lading, as a volume collect shipment for subsequent delivery to Curry at Yosemite Village. Applicant is the sole purveyor of shipments of produce to Curry and the latter demands that applicant transport, in for-hire service, all merchandise obtained from other suppliers for shipment from Fresno to Yosemite Village. Curry receives the preponderance of all merchandise consumed or sold in Yosemite National Park and there is no common carrier service available between Fresno and the Park.

Applicant alleges that the same circumstances and conditions outlined in Decision No. 73023, supra, now exist and that the same monetary savings would accrue mutually to the benefit of the shipper and itself as carrier and would not be adverse to public interest.

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Effective September 1, 1968, the class rates in Minimum Rate Tariff No. 2 became subject to the so-called "percentage-type" ratings in National Motor Freight Classification A-10, the governing classification. Applicant requests that it be authorized to continue the current documentary deviations modified only to conform to the rate structure now in effect substituting "Class 100" for "First Class" wherever the latter term appears.

The certificate of service shows that a copy of the application was served on California Trucking Association and Fresno-Bass Lake Freight Lines on September 16, 1968. The application was listed on the Commission's Daily Calendar of September 17, 1968. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed deviation from the documentary requirements of Minimum Rate Tariff No. 2 is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

In view of the impending expiration date of the current authority, the order which follows will be made effective November 1, 1968.

IT IS ORDERED that:

1. H-P Produce Company, a corporation, operating as a highway contract carrier, is hereby authorized to deviate from the provisions governing the issuance of shipping documents as named in Sections 1(e) and 2(f) of Item No. 255 of Minimum Rate Tariff No. 2 when transporting property for the Yosemite Park & Curry Co. from Fresno to Yosemite Village in Yosemite National Park, subject to the following conditions:

- a. All articles included in the shipment rated Class 100 or lower shall be described on the shipping document as "Merchandise Rated Class 100 or Lower."

- b. "Merchandise Rated Class 100 or Lower" shall be subject to the Class 100 rates, applicable to the respective weight of such merchandise, named in Minimum Rate Tariff No. 2.
- c. All merchandise rated Class 100 or lower, consigned to Yosemite Park & Curry Co. at Fresno, will be consolidated by its agent or representative each day and tendered to applicant at its Fresno terminal, with one bill of lading, as a single collect shipment for subsequent delivery to Yosemite Village, Yosemite National Park.

2. The authority granted herein shall, on and after November 1, 1968, supersede the authority granted by Decision No. 73023 and shall expire with November 1, 1969.

This order shall become effective November 1, 1968.

Dated at San Francisco, California, this 29th day of October, 1968.

William Symons, Jr.
President
Edward Mitchell
William B. Beard
Augusta
Commissioners

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.