

**ORIGINAL**

Decision No. 75024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: )	
ROZAY'S TRANSFER, a corporation, for )	Application No. 50593
authority to deviate from minimum )	(Filed October 7, 1968)
rates, pursuant to Section 3666 of )	(Amended November 7, 1968)
the California Public Utilities Code. )	

OPINION AND ORDER

Rozay's Transfer, a corporation, holds radial highway com-  
 mon carrier and highway contract carrier permits.<sup>1</sup> By Decision  
 No. 73346 dated November 14, 1967, in Application No. 49710,  
 applicant was relieved of the necessity of assessing charges  
 provided in Minimum Rate Tariff No. 5 for unloading certain pool  
 car shipments which it transports for Burlington Industries, Inc.,  
 of Los Angeles (Burlington).<sup>2</sup> The current authority is scheduled  
 to expire with December 14, 1968. By this application, as amended,  
 applicant seeks to continue the current tariff deviation for a  
 further one-year period and to modify said deviation by specifically  
 naming the commodities that will be transported thereunder.<sup>3</sup>

The minimum rate tariff item provides charges for the  
 services of unloading and segregating property tendered to the  
 carrier in pool cars. The term "pool car" is defined in the item to

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<sup>1</sup> Applicant also transports general commodities as a highway  
 common carrier between points in Los Angeles Basin Territory,  
 which operations are not involved.

<sup>2</sup> The charges involved are named in Item No. 165 of Minimum Rate  
 Tariff No. 5.

<sup>3</sup> The commodities involved are: textiles, dry goods, wearing  
 apparel, rugs and carpeting.

mean a rail car or motor vehicle (other than carrier's equipment) containing property intended for delivery to two or more points of destination located within the zones described in Minimum Rate Tariff No. 5. Applicant's current authority to waive collection of these charges was granted upon a showing that the commodities involved have been segregated, marked and loaded in such a manner as to expedite unloading and distribution at applicant's terminals; and that the services performed in the unloading of Burlington's shipments at applicant's terminals are essentially the same as, or identical to, the services which are included in the rates that are assessed for the transportation of said shipments.

According to applicant, the conditions surrounding the transportation, which justified the original deviation from the minimum rates, continue to exist. Applicant states that continuation of the relief heretofore granted is as urgent and necessary today as it was at the time of the hearing on the original application.<sup>4</sup>

The application shows that it is the practice of Burlington to prepare, in advance, separate bills of lading for each shipment. The shipments are all properly marked with the name and address of the ultimate consignee or customer and are loaded into the vehicle in such a manner as to expedite unloading and distribution from the terminal of applicant. Each vehicle is delivered to the terminal of applicant by the shipper's line-haul driver or by the delivering rail common carrier. It is asserted that, in all cases, the practice of delivering the equipment to

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<sup>4</sup> See Decision No. 59304 dated November 24, 1959, in Application No. 40755, as amended.

the dock of applicant results in less cost to applicant than if the various shipments were individually picked up by applicant at Burlington's place of business in Los Angeles.

Applicant alleges that it has made and will continue to make a fair profit without assessing or collecting pool car charges from Burlington. It further alleges that continuation of the current authority is necessary and essential in order to preserve the transportation arrangements between itself and the shipper and to preserve the traffic in for-hire carriage.

The certificate of service shows that copies of the application and amendment thereto were mailed to California Trucking Association and other interested parties on October 7 and November 6, 1968, respectively. The applications were listed on the Commission's Daily Calendar of October 9 and November 12, 1968, respectively. No objection to the granting of the application, as amended, has been received.

In the circumstances, it appears, and the Commission finds, that the proposed basis of charges is reasonable. A public hearing is not necessary. The Commission concludes that the application, as amended, should be granted.

In view of the impending expiration date of the current authority, the order which follows will be made effective December 14, 1968.

IT IS ORDERED that:

1. Rozay's Transfer, a corporation, is hereby authorized to depart from the provisions of Item No. 165 of Minimum Rate Tariff No. 5 to the extent of not assessing the charges which are prescribed in said item for the services of unloading textiles, dry goods, wearing apparel, rugs or carpeting, tendered in pool

cars; said authority is to apply only in connection with shipments (other than split-delivery shipments) which applicant transports for Burlington Industries, Inc., of Los Angeles (a) when said shipments are brought to applicant's terminal at 2167 East 25th Street or 820 South Alameda, both in Los Angeles, in motor vehicle equipment owned or operated by or for Burlington Industries, Inc., of Los Angeles, or in railroad owned "piggyback" trailers; (b) when the components of one or more shipments are not intermingled with other shipments; (c) when shipments have been loaded by shipment into the vehicles in which they are delivered to applicant's terminals; (d) when each shipment is tendered to, and is billed by, applicant as a separate shipment; and (e) when said shipments are transported between points wholly within the City of Los Angeles via routes within said city and do not have an immediately prior movement by water.

2. The authority granted herein shall, on and after December 14, 1968, supersede the authority granted by Decision No. 73346 and shall expire with December 14, 1969.

This order shall become effective December 14, 1968.

Dated at San Francisco, California, this 3rd day of December, 1968.

William Lyman, Jr.  
President

William Bernick

David P. Morrissey  
Commissioners