

Decision No. 75152

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 A. F. EXPRESS CO. INC., a corpo-)
 ration, for an order amending its)
 certificate of public convenience)
 and necessity authorizing highway)
 common carrier service to exclude)
 therefrom the transportation in)
 bulk in tank vehicles asphalt,)
 natural by-product or petroleum;)
 asphalt emulsion; and petroleum or)
 petroleum products.)

Application No. 50694
(Filed November 20, 1968)

O P I N I O N

A. F. Express Co. Inc. requests that its operating authority as a highway common carrier be amended by deleting therefrom the authority to transport the following commodities:

"Asphalt, natural by-product or petroleum; asphalt emulsion; and, petroleum or petroleum products when transported in bulk in tank trucks and/or tank trailers."

It is alleged that on or about July 31, 1968, Western Motor Tariff Bureau, by whom rates and tariff charges had been previously published for and on behalf of applicant, excluded applicant from participating in its published tariff; as a result the Commission on August 27, 1968 suspended applicant's operating authority; on October 18, 1968, Pacific Motor Tariff Bureau, Inc., filed with the Commission a tariff publication incorporating applicant in its tariff but did not include rates covering the commodities herein included; the Commission therefore refused to lift the suspension; applicant has not transported the commodities to be excluded nor does it possess the equipment to do so; and applicant is anxious to resume operations as soon as possible.

After consideration the Commission finds that the requested authority would not be adverse to the public interest. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 61475 in Application No. 42106 is hereby amended by incorporating therein First Revised Page 2 attached hereto and by this reference made a part hereof in place of Original Page 2.
2. Upon the effective date hereof the suspension of the operating authority imposed by Decision No. 61475 is hereby set aside.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27th day of DECEMBER, 1968.

William Lyons Jr.
President

William Bennett

Fred P. Morssiey
Commissioners

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

- b. 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. (See Note.)

NOTE: This exception does not apply when the vehicle is crated, or tendered as part of a mixed shipment with other commodities, provided said crated vehicle or vehicle tendered as a part of a mixed shipment is not transported in special truckaway equipment.

- c. 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.
- d. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- e. Fresh or green fruits or vegetables (not cold pack nor frozen) when:
- (1) The point of destination is a cannery, accumulation station, cold storage plant, precooling plant, or winery.
 - (2) Transported from the field or point of growth to a packing plant, or packing shed (see Exception).

EXCEPTION

Except for the transportation of citrus fruits in field boxes or in bulk, or avocados, the provisions of Paragraph e will not apply when the distance between point of origin and point of destination exceeds 50 constructive miles.

- (3) For the transportation of sugar beets, the point of destination is a beet sugar factory or a railroad loading dump.

- f. Logs.
- g. Asphalt, natural by-product or petroleum; asphalt emulsion; and, petroleum or petroleum products when transported in bulk in tank trucks and/or tank trailers.

Issued by California Public Utilities Commission.

Decision No. 75152, Application No. 50694.