

Decision No. 75834

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Consolidated Freightways Corporation of Delaware, a corporation, for authority to depart from the rates, rules and regulations of Minimum Rate Tariff No. 19 under the provisions of the Highway Carriers' Act.

Application No. 51091
(Filed May 21, 1969)

OPINION AND ORDER

This is an application by Consolidated Freightways Corporation of Delaware seeking authority to charge a rate less than the established minimum rate for the transportation of malt barley from the plant of Bauer-Schweitzer Malting Co., Inc., in San Francisco to various breweries in San Francisco. Applicant has previously been granted the authority requested herein on several occasions. The current authority is scheduled to expire on August 3, 1969. The verified application avers that all the facts and circumstances relied upon in the previous application (Application No. 50255, in Decision No. 74384) are still in effect. It also avers that the shipper has requested that the present deviation be continued; that applicant's experience over the past year has proven the revenues received under the authorized deviation are fully compensatory and that the continuation of the deviation is in the public interest.

Copies of the application were served on the California Trucking Association, and the Draymen's Association of San Francisco, Inc. The application was listed on the Commission's Daily Calendar of May 22, 1969. No protests to the granting of the application have been received. The Commission makes the following findings and conclusion.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Applicant and its predecessor have transported shipments of malt barley to various San Francisco breweries from the plant site of Bauer-Schweitzer Malting Co., Inc. for a period of years. Said transportation involves the use of four specially designed and constructed top loading, bottom dump trailers which are not used in any other type of service.
3. Applicant has been performing said service at the authorized rate of 11- $\frac{1}{2}$ cents per 100 pounds subject to a minimum weight equivalent to the legal carrying capacity of the trailer used for each haul. Said rate is compensatory and is reasonable.

Conclusion of Law

The application should be granted.

IT IS ORDERED that:

1. Consolidated Freightways Corporation of Delaware, a corporation, is hereby authorized to transport malt barley from the plant site of Bauer-Schweitzer Malting Co., Inc., in San Francisco to various breweries in San Francisco at a rate less than the established rate but not less than 11- $\frac{1}{2}$ cents per 100 pounds, subject to a minimum weight equivalent to the legal carrying capacity of the trailer used.

2. The authority granted herein shall, on and after August 3, 1969, supersede the authority granted by Decision No. 74384, and shall expire on August 3, 1970.

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

Dated at San Francisco, California, this 24th day of JUNE, 1969.

William J. ...
President

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Commissioners