

Decision No. 76404**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of ROZAY'S TRANSFER, a corporation,  
for authority to deviate from  
minimum rates, pursuant to Section  
3666 of the California Public  
Utilities Code.

Application No. 51413  
(Filed October 7, 1969)

OPINION AND ORDER

Rozay's Transfer, a corporation, holds radial highway common carrier and highway contract carrier permits.<sup>1/</sup> By Decision No. 75024, dated December 3, 1968, in Application No. 50593, as amended, 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, 1969. By this application, applicant seeks to continue the current tariff deviation for a further one-year period.

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 mean a rail car or motor vehicle (other than carrier's equipment) containing property intended for delivery to two or more points of

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

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

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>3/</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 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.

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<sup>3/</sup> See Decision No. 59304, dated November 24, 1959, in Application No. 40755, as amended.

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 were mailed to California Trucking Association and other interested parties on October 7, 1969. The application was listed on the Commission's Daily Calendar of October 10, 1969. No objection to the granting of the application has been received.

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

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, 1969, supersede the authority granted by Decision No. 75024 and shall expire with December 14, 1970.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of NOVEMBER, 1969.

William J. ...  
President  
Augusta ...  
J. ...  
...  
Yvonne L. Sturgeon  
Commissioners