

Decision No. 78739

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Herbert A. Rochlitz and Wayne H.)
Rochlitz, dba DOUBLE R. TRANSPORT,)
for relief from the provisions of)
Item 170 of Minimum Rate Tariff)
No. 2 for the account of National)
Biscuit Co.)

Application No. 52067

(Filed July 24, 1970,
Amended April 12, 1971)

ORDER EXTENDING TIME

By Decision No. 77902, effective November 14, 1970, in this proceeding interim authority, to expire in six months, was granted to Herbert A. Rochlitz and Wayne H. Rochlitz to transport split delivery shipments of bakery goods for National Biscuit Company at rates and charges less than those which apply as minimum pursuant to provisions of Item 170, paragraph B, Minimum Rate Tariff 2 (MRT 2). The interim nature of the action taken was in response to a request from applicants for opportunity to amend their application and to submit further evidence thereon.

On April 12, 1971, an amended application in this matter was filed by Herbert and Wayne Rochlitz. On May 4, 1971, they filed a petition seeking an extension of the authority granted by Decision No. 77902 until action can be taken on their amended application or for a period not exceeding six months, whichever

occurs first. They state that the filing of their amended application was delayed until April 12, 1971, by uncertainties concerning the extent of their future services for National Biscuit Company, which uncertainties stemmed from recent reductions that said company has made in the usage of their services.

The evidence that was adduced at the hearing which resulted in Decision No. 77902 showed that applicants were then transporting bakery goods for National Biscuit Company for rates and charges which were about 10 percent higher than the rates and charges in MRT 2 with the exception of those named in Item 170 of said tariff. The evidence also showed that applicants were operating profitably under their contract with National Biscuit Company. Applicants then alleged, and they now allege also, that unless the sought relief from the provisions of Item 170, paragraph B, MRT 2 were (and is) granted the transportation involved might (or may) be diverted from them to proprietary carriage with resultant economic hardship to them.

In the circumstances we find that extension of the authority granted by Decision No. 77902 to permit consideration of, and decision on, applicants' amended application is justified. Inasmuch as said authority expired May 14, 1970, it will be reinstated and continued until further decision on this matter unless otherwise terminated by Commission order.

The California Trucking Association has been apprised of applicants' request for extension of time, and has indicated it is not opposed thereto. Public hearing on the request is not necessary.

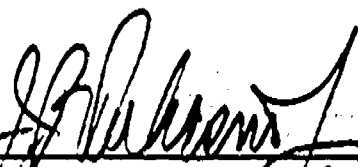
IT IS ORDERED that:

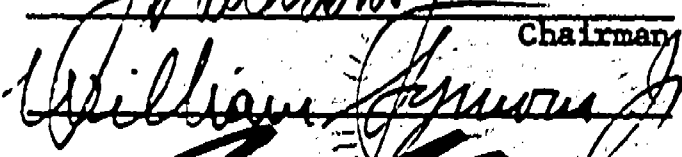
1. The authority which was granted to Herbert A. Rochlitz and Wayne H. Rochlitz by Ordering Paragraphs 1 and 2 of Decision No. 77902 is hereby reinstated and shall continue in effect until further decision on this matter unless otherwise terminated by Commission order.

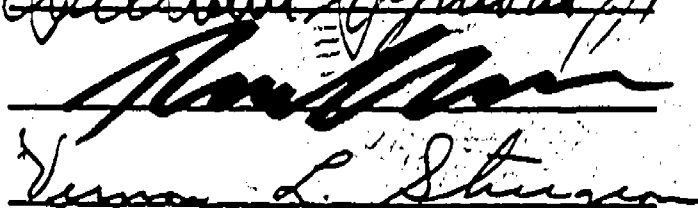
2. Further hearing or hearings on this matter shall be held within sixty days after the date hereof.


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

Dated at San Francisco, California, this 25th day of MAY, 1971.



Chairman






Commissioners