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ORIGINAL

Decision No. 78953

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Consolidated Freight-)
ways Corporation of Delaware, a cor-)
poration, for authority to depart)
from the rates, rules and regulations)
of Minimum Rate Tariff No. 19 under)
the provisions of the Highway Car-)
riers' Act.)

Application No. 52663
(Filed June 3, 1971)

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, 1971. The verified application avers that all the facts and circumstances relied upon in the previous application (No. 51948, in Decision No. 77525) 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,

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Inc. The application was listed on the Commission's Daily Calendar of June 7, 1971. No protests to the granting of the application have been received.

The Commission finds that 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.

We further find that applicant has been performing said service at the authorized rate of 12 cents per 100 pounds subject to a minimum weight equivalent to the legal carrying capacity of the trailer used for each haul. The authorized rate of 12 cents per 100 pounds has been and will continue to be compensatory and reasonable.

The application should be granted. A public hearing is not necessary.

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 12 cents per 100 pounds, subject to a minimum weight equivalent to the legal carrying capacity of the trailer used.

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2. The authority granted herein shall, on and after August 3, 1971, supersede the authority granted by Decision No. 77525 and shall expire on August 3, 1972.

The effective date of this order shall be August 3, 1971.

Dated at San Francisco, California, this 27th
day of JULY, 1971.

Chairman
William L. ...

...

Dennis L. Sturgeon

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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