

ORIGINAL

Decision No. 80243

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. 53400  
(Filed June 14, 1972)

OPINION AND ORDER

Consolidated Freightways Corporation of Delaware, a corporation, operates as a highway permit carrier.<sup>1</sup> By Decision No. 78953 dated July 27, 1971, in Application No. 52663, it was authorized 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. The authorized rate is 12 cents per 100 pounds and is subject to a minimum weight equivalent to the legal carrying capacity of applicant's trailer used for each haul. The current authority is scheduled to expire with August 3, 1972. By this application, applicant seeks authority to assess the same less-than-minimum rate for a further one-year period.

Applicant alleges that all the facts and circumstances relied upon in the previous application continue to exist. Applicant avers that

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Applicant also operates as a highway common carrier and petroleum irregular route carrier under other operating authorities granted by this Commission but not involved in this proceeding.

the shipper has requested that the present deviation be continued; that its 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.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable during the ensuing year.

The certificate of service shows that copies of the application were mailed to California Trucking Association and Draymen's Association of San Francisco, Inc. The application was listed on the Commission's Daily Calendar of June 15, 1972. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that the sought rate is reasonable. A public hearing is not necessary. The Commission concludes that 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 minimum 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.

2. The authority granted herein shall, on and after August 3, 1972, supersede the authority granted by Decision No. 78953 and shall expire with August 3, 1973.

The effective date of this order shall be August 3, 1972.

Dated at Los Angeles, California this 18<sup>th</sup> day of July, 1972.

Vermon L. Sturgeon  
President  
William J. S. S. S.  
J. W. S. S.  
J. W. S. S.  
J. W. S. S.  
Commissioners