

ORIGINAL

Decision No. 80498

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
FTL COMPANY, INC., for authority to )  
depart from rates, rules and )  
regulations of Minimum Rate Tariff )  
No. 2 under Public Utilities Code )  
Section 3666 re transportation for )  
the account of INTERSTATE STORES, )  
INC. )

Application No. 53196  
(Filed March 7, 1972)

Lund & Newlan, by L. A. Newlan, Jr., Attorney  
at Law, for FTL Co., applicant.  
Richard W. Smith and Arlo D. Poe, Attorneys at  
Law, and H. F. Kollmyer, for California  
Trucking Association, protestant.  
George L. Hunt, for the Commission staff.

O P I N I O N

FTL Company, Inc., operates as a highway permit carrier. By this application, it seeks authority, under Section 3666 of the Public Utilities Code, to depart from the rates and rules of Minimum Rate Tariff No. 2. Specifically it seeks authority to charge a flat rate of 148 cents per 100 pounds, minimum weight 20,000 lbs, from Los Angeles to San Francisco Bay Area Points for Interstate Stores, Inc.

Public hearing on the application was held May 23, 1972, at Los Angeles, before Examiner Turpen.

Applicant relied on the data shown in the application which showed that under the proposed rate it could operate at a profit. However, it was developed that this was based on the assumption that applicant would receive full loads from other sources southbound. Such southbound loads are not assured.

The California Trucking Association protested the granting of the sought authority on the basis that the Commission has long held that a deviation as sought here should be justified on its own

merits and not be dependent on other traffic not under control of the shipper. Such point is well taken. Applicant has not shown that the southbound traffic is assured and has not shown that without such southbound traffic it can perform the transportation for Interstate Stores profitably.

It is clear, and the Commission finds, that applicant has failed to show that its proposed rate deviation is reasonable. We conclude that the application should be denied.

O R D E R

IT IS ORDERED that Application No. 53196 is denied.

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

Dated at San Francisco, California, this 19th day  
of SEPTEMBER, 1972.

Vernon L. Sturgeon  
President  
William J. Symons  
Richard J. [illegible]  
[illegible]  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.