

Decision No. 81966

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) Application No. 51413
 rates, pursuant to Section 3666 of)
 the California Public Utilities Code.)

OPINION AND ORDER DISMISSING
 PETITION FOR MODIFICATION

Rozay's Transfer, a corporation, (Rozay), is a highway common carrier of general commodities, operating within the Los Angeles Basin Territory pursuant to authority granted by various decisions of this Commission. The carrier has also, for a number of years, operated under permitted authorities.

Rozay filed a petition for modification on July 30, 1973 requesting that certain exceptions to its certificated authority be removed.

Such authorization would permit Rozay, as a highway common carrier, to transport: "Textiles, dry goods, wearing apparel, rugs or carpeting between points wholly within the City of Los Angeles and moving entirely via routes within the City of Los Angeles when the traffic is delivered by pool car to the carrier's terminal and does not have an immediately prior movement by water,"¹ and "Textiles, dry goods, wearing apparel, rugs or carpeting from the carrier's terminal located at 2315 Nadeau Street, Huntington Park, California, destined to points within the City of Los Angeles north of 182nd Street when the traffic is delivered by pool car to the carrier's terminal located at 2315 Nadeau Street, Huntington Park, California, and does not have an immediately prior movement by water."²

¹ Excepted by Resolution No. 16341, dated November 7, 1968.

² Excepted by Decision No. 77487, dated July 14, 1970, in Application No. 51413.

The above described transportation was excluded from Rozay's certificate of public convenience and necessity pursuant to its request so that Rozay could take advantage of its rate deviation authority, for the account of one shipper, as a permitted carrier.

Petitioner here is not seeking authority to deviate from the minimum rates but is seeking authority to extend its highway common carrier certificate. Such request falls within the purview of Section 1063 of the Public Utilities Code.

The Commission having considered each and every allegation of the petition, and being of the opinion that no grounds appear therein for the granting of a highway common carrier certificate without the filing of a proper application, the petition for modification is hereby dismissed.

Dated at San Francisco, California, this 2nd day of October, 1973.

President
William Lyons

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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