

ORIGINAL

Decision No. 87887 SEP 20 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of)
 DELTA LINES, INC.) Application No. 57385
 for modification of its highway) (Filed June 21, 1977)
 common carrier authority by)
 excluding bulk fertilizer.)

ORDER GRANTING APPLICATION
FOR MODIFICATION

By this application, Delta Lines, Inc., seeks modification of its highway common carrier certificates of public convenience and necessity by the elimination of the authority to transport:

"Fertilizers, in bulk, as described in Items 540, 560 and 580, of Exception Rating Tariff 1 issued by the California Public Utilities Commission."

The application indicates that the transportation of bulk fertilizer is a specialized service which is not subject to the Commission's minimum rate tariffs. The need of certificated carriers to publish rates for this traffic inhibits or prevents its movement by such carriers. Assertedly, the grant of the application will not be detrimental to the public as the subject traffic does not now move under tariff rates. Conversely, in the absence of a tariff rate, the applicant will be in a position to provide such service, when requested, under its permitted authority with the proper equipment. The granting of the application would not, therefore, deprive the public of service which it presently uses or would use in the future.

Notice of the filing of the application was made in the Commission's Daily Calendar of June 22, 1977. No protests to the application have been received.

After consideration, the Commission finds that the public convenience and necessity no longer requires the services of the applicant as a highway common carrier of the aforementioned commodities. The Commission concludes that the application should be granted. A public hearing is not necessary.

IT IS ORDERED that:

1. Decision 62850 dated November 21, 1961 in Application 42431 is hereby amended by substituting the attached First Revised Page 5 in place and stead of Original Page 5; Decision 65948 dated September 3, 1963 in Application 44177 is hereby amended by substituting Fifth Revised Page 1 and Original Page 1-A in place and stead of Fourth Revised Page 1; Decision 76928, dated March 10, 1970, in Application 51707, is hereby amended by substituting attached First Revised Page 5 in place and stead of Original Page 5; Decision 78692 dated May 18, 1971 in Applications 52106 and 52107, is hereby amended by substituting attached First Revised Page 1 in place and stead of Original Page 1.

2. Within sixty days after the effective date of this order and on not less than ten days' notice to the Commission and the public, petitioner shall amend its tariffs presently on file with this Commission to reflect the authority herein granted.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 20th day of SEPTEMBER, 1977.

2 concur:
This order should not be construed as a policy determination with regard to exempt commodities.

Richard D. Howell
Robert Bateman

Robert Bateman
President
William J. Gurnea
Leslie L. Stinson
Richard D. Howell
Commissioners

2 abstaining
Marie J. L. Smith

5. Articles of extraordinary value as set forth in Rule 3 of Western Classification No. 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
6. Commodities likely to contaminate or damage other freight.
7. Class A and B explosives, as the term is defined in Dangerous Articles Tariff 12, American Trucking Associations, Inc., Agent, weighing less than 15,000 pounds.

Exclusion applies only to routes described in Paragraph 36 through 40.

- *8. Fertilizers, in bulk, as described in Items 540 and 560 on Second Revised Page 21, effective January 3, 1970, and Item 580 on Tenth Revised Page 22, effective March 1, 1973, of Exception Ratings Tariff 1 issued by the California Public Utilities Commission, on the issue date thereof.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

*Amended by Decision 87887, Application 57385.

Walkup's Merchants Express, a California corporation, is authorized to transport property as follows:

GENERAL COMMODITIES, except

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).
2. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
3. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
4. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
5. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
6. Articles of extraordinary value.
- *7. Class A explosives as described in and subject to the regulations of the American Trucking Association, Inc., Agent, Motor Carriers Explosives and Dangerous Articles Tariff 11, PUC 6, F. G. Freund, Issuing Officer, on the issue date thereof.

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8. Green coffee and newsprint paper in rolls having both origin and destination within the City and County of San Francisco.
- *9. Fertilizers in bulk, as described in Items 540 and 560 on Second Revised Page 21, effective January 3, 1970 and Item 580 on Tenth Revised Page 22, effective March 1, 1973, of Exception Ratings Tariff 1, issued by California Public Utilities Commission, on the issue date thereof.

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Carrier shall not transport any shipments of:

- (a) Used household goods and personal effects not packed in accordance with the packing requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A.
- (b) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis.
- (c) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine.
- (d) Liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
- (e) Commodities when transported in bulk in dump trucks or in hopper-type trucks.
- (f) Logs.
- (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
- * (h) Fertilizers, in bulk, as described in Items 540 and 560 on Second Revised Page 21, effective January 3, 1970, and Item 580 on Tenth Revised Page 22, effective March 1, 1973, of Exception Ratings Tariff 1 issued by the California Public Utilities Commission, on the issue date thereof.

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*Amended by Decision 87887, Application 57385.

Delta Lines, Inc. (formerly Ringsby-Pacific Ltd.), a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code as follows:

I. General Commodities excluding (1) uncreated used household goods, personal effects and office, store and institution furniture, fixtures and equipment; and *(2) Fertilizers, in bulk, as described in Items 540 and 560 on Second Revised Page 21, effective January 3, 1970, and Item 580 on Tenth Revised Page 22, effective March 1, 1973, of Exception Ratings Tariff 1 issued by the California Public Utilities Commission, on the issue date thereof, as follows:

(A) Between all points and places within the area described as follows:

Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to and including the City of Redlands; westerly along U.S. Highway No. 99 to U.S. Highway No. 395; southerly along U.S. Highway No. 395 to State Highway No. 18 to U.S. Highway No. 91; westerly along U.S. Highway No. 21.

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