

Decision No. 29269.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THOMAS W. GILBOY, doing business
under the name and style of GILBOY
COMPANY, for certificate of public
convenience and necessity authoriz-
ing transportation by auto truck over
the public highways of the State of
motion picture films, theatrical ad-
vertising matter, and motion picture
theater supplies, between San Fran-
cisco and various points.)

Application No. 19890.

Gwyn H. Baker for Applicant.

A. L. Whittle for Southern Pacific Railway,
Northwestern Pacific Railroad and Pacific
Motor Transport Company, as interests may
appear.

BY THE COMMISSION:

O P I N I O N

Applicant herein seeks amendment of Decision No. 28235 on Application No. 19890, by which he may clarify and enlarge Route No. 5; also, by the removal of a restriction of 100 pounds weight on "a single service" and to leave such weight without limitation. Applicant's transportation business is exclusively for motion picture films and designated accessories and supplies.

A public hearing was conducted by Examiner W.R. Williams at San Francisco.

The rerouting sought enlarges the operations over Route No. 5, between San Francisco, only by providing cut-off or connecting roads, thus facilitating more rapid delivery over shorter distances. It met no opposition and appears to be proper. No new service points are involved.

Thomas W. Gilboy, testifying for applicant, stated that in the original application it was intended to limit to 100 pounds only the "janitor's supplies," which applicant intended to transport free with "film services." As applicant was denied authority to transport anything other than "film services," applicant urges revision of the rule by which it may transport its authorized commodities "regardless of quantity," but with additional charges for quantities in excess of 200 pounds. This was not opposed and seems to be what applicant originally intended, though stated ambiguously in the original application.

To clarify this situation, applicant proposes to establish a new tariff to take the place of the one now on file with the Commission. In addition to incorporating therein rates for the new services, it is proposed to make numerous changes in rates and rules applicable to the services already authorized and now being performed. These changes if established will result in both increases and reductions. In some instances the changes are merely to clarify existing rules. In the main they are unobjectionable but applicant will be required to make certain modifications.

Rule 2 provides that applicant "will not transport shipments upon which it may be required to compel the payment of money," etc. It is intended to exclude C.O.D. shipments. The rule should be amended to show that applicant will not undertake C.O.D. collections in connection with shipments transported over its lines, as

provided for in our General Order No. 84-A.

Rule 6 provides certain new minimum charges per calendar week to apply in connection with rates between San Francisco and Fresno, Sacramento and San Jose. Mr. Gilboy testified that such minima were established before he obtained a certificate and were customary. The publication of the proposed weekly minimum charges between the specific points named will create violations of the long and short haul provisions of Section 24(a) of the Public Utilities Act. For example, it is proposed to establish a weekly minimum charge of \$10.00 in connection with the rate of \$3.00 per service between San Francisco and Fresno. No such minimum charge is proposed in connection with a rate of the same volume to and from Sanger, a point beyond Fresno. This situation would result in a lesser charge to a more distant point than applies to a directly intermediate point. In view of this situation the proposed weekly minimum charges will not here be approved.

The application will be granted, subject to the foregoing tariff modifications.

O R D E R

Thomas W. Gilboy, operating under the name of "Gilboy Company," having sought amendment of the order in Decision No. 28235 herein, issued September 19, 1935, a public hearing having been held and the Commission being fully advised,

IT IS HEREBY ORDERED that said Decision No. 28235 be amended to strike from the order therein, Route No. 5 and to substitute in lieu thereof the following:

ROUTE NO. 5: STOCKTON:

East Bound - San Francisco, Oakland, Walnut Creek, Concord, Pittsburg, Antioch, Stockton, Lodi, Galt, Sacramento; or San Francisco, Oakland, via Dublin Canyon - Altamont Pass, Tracy, Stockton, Lodi, Galt, Sacramento.

West Bound - Sacramento, Davis, Dixon, Fairfield, Suisun, Pinole, Richmond, San Francisco; or Sacramento, Galt, Lodi, Stockton, via "Borden Highway," Antioch, Pittsburg, Concord, Walnut Creek, Oakland, San Francisco; or Sacramento, Galt, Lodi, Stockton, Tracy, via Altamont Pass and Dublin Canyon, Oakland, San Francisco.

IT IS HEREBY ORDERED that applicant be and he is hereby authorized to file the proposed tariff appended to the instant application as Exhibit "A", as modified by amending Rule 2 to conform to General Order No. 84-A, and by eliminating Rule 6, or rates satisfactory to the Railroad Commission, such filing to be in lieu of all other rates and rules now on file by applicant.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 16th day of November, 1936.

W B Harris
Leon Whidell
W G Carr
Malcolm ...
Frank ...
Commissioners.