

Decision No. 34213

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
C. K. WELLS, an individual doing)
business as WELLS VAN & STORAGE COMPANY,) Application No. 22045
for authority to charge less than)
minimum rates and/or a different rate)
than prescribed.)

ORIGINAL

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In the Matter of the Investigation on)
the Commission's own motion into the)
rates, charges, classifications, con-) Case No. 4340
tracts and practices of C. K. WELLS,)
doing business as WELLS VAN AND STORAGE)
COMPANY.)

STANLEY D. WHITNEY, for Mrs. C. K. Wells.

E. H. HART, for Draymen's Association of
Alameda County.

J. W. BARKER, for San Francisco Movers, Inc.

BY THE COMMISSION:

O P I N I O N

By application No. 22045, C. K. Wells, doing business as Wells Van and Storage Company, seeks authority from this Commission to charge less than minimum rates and/or a different rate than prescribed by the Commission for the transportation of household effects, office furniture, files, equipment, etc., for an agency of the United States Government between Oakland and Santa Monica, as more specifically set forth hereafter.

Case No. 4340 is an order of this Commission instituting an investigation on its own motion into the operations, rates, charges, classifications, contracts, and practices of said C. K. Wells, for the purpose of determining whether or not the above

service was actually performed or being performed at rates less than the minimum prescribed by the Commission in its Decision No. 29891, as amended, in Case No. 4086. Upon stipulation of counsel these proceedings were consolidated.

A public hearing in these proceedings was conducted by Examiner McGettigan in San Francisco on June 29 and July 14, 1938; evidence having been received and the matters having been submitted on motions to dismiss made by applicant and respondent, they are now ready for decision.

Kenneth Wells, manager of Wells Van and Storage Company, testified that a contract had been entered into with the United States Government to perform, in behalf of the United States Department of Commerce, Bureau of Air Commerce, 6th Airways District, the following services:

"(a) Furnishing all labor, material and equipment for crating where necessary and hauling into railroad freight car at location selected by the government, of office furniture, files and equipment and all other effects of the Bureau of Air Commerce, Postoffice Building, Oakland, California, and unloading same from freight car and delivering to and into new offices in Santa Monica, California.

"(b) Furnishing of men, material and equipment for any packing or boxing necessary at Postoffice Building before loading.

"4. The proposed rate or charge for the above service specified in paragraph 3, subdivision (a), is \$1.34 per hundred pounds.

"The proposed rate or charge for the above service specified in paragraph 3, subdivision (b), is \$1.50 per man per hour.

"5. A description of further service to be performed is as follows:

"(a) Furnish all labor, material and crating as necessary, and hauling of household effects of approximately thirty-five employees of the Bureau of Air Commerce from Oakland to freight station for shipment by rail on government bill of lading to Santa Monica, California, and for loading said household effects into freight cars.

"(b) Furnishing of men, material and equipment for any packing or boxing of dishes, books, etc., where necessary, at homes of said employees before loading.

"6. The proposed rate or charge for the above service specified in paragraph 5, subdivision (a), is \$1.55 per hundred pounds.

"The proposed rate or charge for the above service specified in paragraph 5, subdivision (b), is \$1.50 per man per hour.

"7. A description of further services to be performed is as follows:

"(a) Furnishing all labor, material and equipment for suitably packing books and crating where necessary all stock and stores, parts and supplies, tools, machinery and equipment in the Bureau of Air Commerce Warehouse located in Oakland, California, to freight station for shipment by rail to Santa Monica, California.

"8. The proposed rate or charge for the above service specified in paragraph 7 is \$1.84 per hundred pounds."

The record further shows that the contract provided for the movement from Oakland to Santa Monica of 31,000 pounds of office furniture at \$1.34 per hundred pounds or a total of \$415.40; 143,750 pounds of household goods of approximately 35 employees of the Bureau of Air Commerce from various locations in Metropolitan Oakland to freight shed for shipment by rail to Santa Monica at \$1.55 per hundred pounds or a total of \$2,226.12; 80,000 pounds of tools, machinery and equipment from warehouse at 2505 Magnolia Street, Oakland, to freight shed for shipment by rail and delivery to the Outlook Building, Santa Monica at \$1.84 per hundred pounds or a total of \$1,472.

It was the witness's further testimony that this property was not crated, and that the size of the trucks required and used in this work was not considered in making the estimate, as applicant, in figuring his charges, used only the rate applicable to vehicles having a loading area of ninety square feet or over.

The movement by truck occurred in Metropolitan Oakland and in Santa Monica and the balance of the transportation service was performed via rail. Applicant is the holder of a radial highway common carrier and a city carrier permit and hence has authority to act in the capacity of an automotive transportation company.

With respect to the rate situation involved in these proceedings it was developed from exhibits based on actual record of hours consumed in performing this particular move that if the contract had been based on the Commission's minimum hourly rates for the same transportation of the above described property, the amount assessed would have been considerably less than the amount actually charged the government and, therefore, the charge per hundred pounds made by Wells Van and Storage Company, plus \$1.50 per hour per man for packing, etc., resulted in a charge in excess of the minimum rate requirements of the Commission.

In view of the fact, therefore, that the services were not performed at rates less than the minimum rates prescribed by the Commission, there appears to be no necessity for the application herein. The application will be dismissed as prayed for.

Likewise there appearing to be no evidence of a violation of the minimum rates prescribed in Decision No. 29891, as amended, Case No. 4340 will be dismissed.

O R D E R

Public hearing having been had in the above-entitled proceedings, evidence having been received, the matter having been duly submitted and the Commission now being fully advised,

IT IS HEREBY ORDERED that Application No. 22045 be and the same is hereby dismissed.

IT IS HEREBY FURTHER ORDERED that Case No. 4340 is hereby dismissed.

Dated at San Francisco California, this 17th day of August, 1938.

Raybrow
Leon
Frank

COMMISSIONERS