

Decision No. 31658

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
on the Commission's own motion into  
the operations, rates, charges, con-  
tracts, and practices of A.J. BECKER,  
doing business as BECKER FIREPROOF  
STORAGE COMPANY and BECKER STORAGE &  
MOVING COMPANY.

Case No. 4275

A. J. BECKER in propria persona.

BY THE COMMISSION:

O P I N I O N

This proceeding was instituted by the Commission on its own motion to determine whether respondent A. J. Becker, doing business as Becker Fireproof Storage Company and Becker Storage and Moving Company, as a highway carrier other than a highway common carrier, charged or collected any rates less than the minimum rates prescribed by the Railroad Commission in Decision No. 29891, dated June 28, 1937 (40 CRC 533) for the transportation of household goods and personal effects in violation of the Highway Carriers' Act, pursuant to which the above mentioned decision was issued.

Public hearing was had before Examiner Paul at San Francisco, at which respondent appeared in his own behalf. The matter having been submitted is now ready for decision.

All of the evidence related to service performed December 20 and 21, 1937 in packing, transporting, and unpacking a shipment of uncrated used household goods and personal effects belonging to E. B. Cozzens, an employee of the United States Department of Agriculture, Soil Conservation Service, from 321 Jefferson Street Watsonville, California, to 933 Keeler Street, Berkeley, California.

The transportation was performed for the United States Department of Agriculture, Soil Conservation Service, in compliance with respondent's bid therefor. Pursuant to Section 3 of Appendix "A" of Decision No. 29891, the minimum rate to be charged for transportation between the points involved is \$1.22 a hundred pounds. Item No. 320, Section 4, of Appendix "A", Decision No. 20901, provides for a minimum packing charge of \$1.25 per man-hour at Watsonville, in territory "B" and a minimum unpacking charge of \$1.50 per man-hour at Berkeley in territory "A".

The record shows that respondent submitted a bid for the service in question upon a basis of \$1.22 per hundred pounds for transportation plus a flat charge for packing and unpacking of \$5.25, less  $\frac{1}{4}$  of one per cent if the charges were paid within 10 days. When this bid was called to the Commission's attention, respondent was cautioned that the offer of  $\frac{1}{4}$  of one per cent discount from the minimum rate would result in a violation of the Commission's order with respect to the hauling charge, and that the packing and unpacking should be performed on a man-hour basis as contemplated by the rate order. Respondent nevertheless proceeded to perform the work in accordance with his bid.

The total weight of the goods transported was 10,740 pounds, which, under respondent's bid, resulted in a charge of \$131.03 for the hauling or \$136.28 in all, and on completion of the work respondent rendered a freight bill to the United States Department of Agriculture for this amount. Payment was received by respondent on January 7, 1938, for such amount less  $\frac{1}{4}$  of one per cent thereof. On January 8, 1938, respondent submitted a further bill to the Department for 34 cents, the amount of discount taken, because payment had not been made within the ten-day period. At the date of this hearing respondent had not received payment for the discount.

Respondent's records show that one man was engaged in packing at Watsonville for 2½ hours, and in unpacking at Berkeley for one hour, which, at the minimum rate, would require a charge of \$4.63. Thus, as it happens, the total amount collected by respondent was sufficient to cover the minimum lawful charges both for the hauling and the packing and unpacking.

As the rate order now stands, it is not required that bids and quotations be stated in the same form or based on the same units of measurement as are the prescribed minimum rates. However, the practice of quoting rates on a different basis is confusing and results in serious enforcement difficulties, inasmuch as it is impossible to ascertain until after the work has been performed and all factors necessary to compute the minimum rates are known, whether or not the quoted charge is in compliance with the minimum rate orders. It also results in considerable inconvenience and dissatisfaction on the part of shippers and consignees, due to the fact that the quoted rates must be disregarded whenever they result in lower aggregate charges than would accrue under the established minimum rates. However, the matter of quoting rates on different bases is not one to be determined on this record. In the light of the facts developed herein, the case will be dismissed.

#### O R D E R

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

IT IS ORDERED that the above matter is hereby dismissed.

Dated at San Francisco, California, this 16<sup>th</sup> day of  
January, 1939.

Raymond W. ...  
Frank ...  
Ray ...  
H. ...  
Justus F. ...  
COMMISSIONERS