

Decision No. 32628.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of)
maximum or minimum, or maximum and minimum)
rates, rules and regulations of all Radial)
Highway Common Carriers, Highway Contract)
Carriers and City Carriers, as defined in)
Chapters 223 and 312, respectively, Stat-)
utes of 1935, operating motor vehicles)
over public highways of the State of Cali-)
fornia, for the transportation for compen-)
sation or hire of household goods, furniture)
and personal effects, office and store)
fixtures and equipment, and for accessorial)
services incident to such transportation.)

ORIGINAL

Case No. 4086

In the Matter of the Investigation and Estab-)
lishment of rates, charges, classifications,)
rules, regulations, contracts and practices,)
or any thereof, of Argonne Van & Storage)
Company, Baker Transfer and Storage Company,)
Bekins Van Lines, Inc., C.A. Buck, City)
Transfer Company, Dowd's Fashion Stables,)
Electric Transfer and Storage Company, Griggs)
Van Lines, Chas. Kuppinger Company, Liberty)
Van Line, Lyon Van Lines, Inc., Nickell)
Transfer Company, Stockton Transfer Company,)
Triangle Transfer and Storage Company, and)
U.C. Express and Storage Company, operating)
as Highway Common Carriers, for compensation,)
over the public highways of the State of)
California, of household goods, furniture and)
personal effects, office and store fixtures)
and equipment, and for accessorial services)
incident to such transportation.)

Case No. 4099

BY THE COMMISSION:

ORDER DENYING PETITIONS FOR REHEARING AND MODIFICATION
AND CHANGING EFFECTIVE DATE

By Decision No. 32325 of September 19, 1939, revised minimum rates, rules and regulations generally lower than those now in effect were prescribed in the above entitled proceedings to become effective December 8, 1939 for the transportation of household goods and related articles. Thereafter, petitions for rehearing of said decision were filed by certain carrier associations and individual carriers. Oral

¹ One was filed by California Van & Storage Association, San Francisco Movers, Inc., United Van & Warehousemen's Association and Alameda County Draymen's Association; another by fifty-three individual carriers.

argument on the petitions was had before the Commission en banc at San Francisco, on November 10, 1939. Said argument was limited to the points raised on the petitions, i.e. (1) whether the decision should be affirmed, (2) whether it should be modified on the present record, and (3) whether a rehearing should be had.

The petitioners urged that the record did not justify the prescription of reduced rates but that on the contrary, rates even higher than those now in effect should be established. In the event that the Commission should not modify Decision No. 32325 on the present record, they sought a rehearing. Numerous specific instances in which they believed the decision to be in error were pointed out.

The granting of the petitions was opposed by California Movers Association, American Storage Service Club, and United American Independent Movers representing some 350 individual carriers. These associations urged that Decision No. 32325 be affirmed.

The Commission has carefully considered the petitions and arguments of the contending parties and is of the opinion that said Decision No. 32325 should be affirmed. The rates prescribed are minimum rates and as such are fully supported by the record. If they were maximum or "going" rates they would probably be too low for many carriers who maintain superior equipment and perform expedited service. In proceedings before this Commission where different transportation was involved it has been demonstrated that the established minimum rates became the "going" rates. Here, however, the record is clear that it is not impracticable to secure rates in excess of the prescribed minima where the equipment and service warrant. Moreover, the record shows that higher rates will divert a substantial portion of this business from the for-hire carriers through the medium of trucks rented by shippers who will perform their own transportation.

It will be the Commission's purpose to maintain a close watch over this matter and to reopen the proceeding when and if it

appears that an adjustment in the prescribed rates is necessary.

The proposed effective date of December 8, 1939 was stayed by the filing of the petitions for rehearing. In order to allow sufficient time for the filing of tariffs, the rates contained in Decision No. 32325 should be made effective January 1, 1940 on not less than three (3) days' notice to the Commission and to the public.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the aforesaid petitions be and each of them is hereby denied.

IT IS HEREBY FURTHER ORDERED that Decision No. 32325 of September 19, 1939 in the above entitled proceedings be and it is hereby amended by changing the words "forty-five (45) days after the effective date of this order" contained in ordering paragraph No. 1 and ordering paragraphs Nos. 5 to 9 inclusive thereof to "January 1, 1940"; and by changing the words "ten (10) days" appearing in ordering paragraph No. 7 thereof to "three (3) days'."

IT IS HEREBY FURTHER ORDERED that City Carriers' Tariff No. 3, Highway Carriers' Tariff No. 4 (Appendix "A" of Decision No. 32325) be and it is hereby amended by substituting "Original Title Page (Corrected)" for "Original Title Page," said page being attached hereto and by this reference made a part hereof.

IT IS HEREBY FURTHER ORDERED that said Decision No. 32325, as amended by the order herein, shall become effective on the date hereof.

Dated at San Francisco, California, this 6th
day of December, 1939.

Robert W. [Signature]
Frank [Signature]

[Signature]
Justice J. Cassin
Commissioners

Original Title Page (Corrected)

CITY CARRIERS' TARIFF NO. 3

HIGHWAY CARRIERS' TARIFF NO. 4

Naming

MINIMUM RATES, RULES AND REGULATIONS

For the

TRANSPORTATION OF USED PROPERTY, VIZ.:

HOUSEHOLD GOODS, PERSONAL EFFECTS AND OFFICE

AND STORE FIXTURES AND EQUIPMENT OVER

THE PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

By

CITY CARRIERS

RADIAL HIGHWAY COMMON CARRIERS

and

HIGHWAY CONTRACT CARRIERS

The original tariff contains rates, rules and regulations established in Decision No. 32325, in Case No. 4086. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

EFFECTIVE JANUARY 1, 1940.

Correction No. 1

Issued by
THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center,
San Francisco, California.