

ORIGINAL

Decision No. 38289

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 common carriers as defined in  
 the Public Utilities Act of the State  
 of California, as amended, and all  
 highway carriers as defined in Chapter  
 223, Statutes of 1935, as amended, for  
 the transportation, for compensation  
 or hire, of any and all commodities.

Case No. 4246

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

By prior orders in this proceeding (41 C.R.C. 671, as amended) minimum rates, rules and regulations have been prescribed for the transportation of property by common and highway contract carriers. Proposed modifications of these orders which will be disposed of by this decision are matters which do not appear to require public hearing.

Visalia Electric Railroad Company requests authority to enlarge its pickup and delivery zone at Woodlake. The existing pickup and delivery zone is coextensive with the corporate city limits of Woodlake. The verified petition alleges that the proposed extended territory is an integral part of the industrial development of the city and not beyond three miles of its corporate limits; that numerous industries are located in this contiguous territory; and that petitioner desires to extend to them the same service and rates as are now accorded industries located within Woodlake. The petition also shows that there are no other industries or persons similarly situated not now receiving like service; and that, by reason of the relatively short distances involved, slight differences in the minimum rates will result. The only competing common carrier has been notified of the filing of the petition and has offered no objection to its being granted. The sought authority, it appears, is justified.

C. W. Varney and R. B. Stedman, doing business as Peninsula Parcel Delivery, request relief from the minimum rates prescribed in this proceeding for the transportation of parcels between the cities of Burlingame, Hillsborough and San Mateo. The verified petition represents that the Burlingame business district is patronized by residents of northern San Mateo and Hillsborough, that the established minimum rates are substantially higher than the value of petitioners' service to their patrons, and that lower rates and charges are justified for the service by reason of the nature and volume of the traffic involved. It appears that petitioners' operations are substantially different from those of line-haul carriers for whom the minimum rates were primarily designed. It also appears that the service in issue is similar in all essential respects to the specialized operations of other parcel delivery carriers, which, upon request, have heretofore been exempted from the prescribed minimum rates. A similar exemption is justified here.

By order dated August 28, 1945, the time for filing tariffs pursuant to Decision No. 37231, in this proceeding, which authorized rail carriers serving Long Beach to extend their pickup and delivery zone at that point to include Signal Hill, was extended to September 15, 1945. Through inadvertence, this order was not served on petitioners in time to permit inauguration of the pickup and delivery service and the filing of the tariffs within the required time. A further extension in time will accordingly be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the petition of the Visalia Electric Railroad Company seeking authority to enlarge its pickup

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1 They also transport parcels within the respective cities. Minimum rates have not been established for that transportation.

and delivery zone at Woodlake be and it is hereby granted; that the aforesaid carrier be and it is hereby authorized to establish, for the transportation involved, rates less than the established minimum rates prescribed by Decision No. 31606, as amended, in this proceeding, but not less than those prescribed for like transportation from and to Woodlake; and that tariffs filed pursuant to this order may be made effective on or before December 15, 1945, on not less than three (3) days' notice to the Commission and to the public.

IT IS HEREBY FURTHER ORDERED that Decision No. 31606 of December 27, 1938, as amended, in Case No. 4246, be and it is hereby further amended by adding to paragraph (c) of Finding No. 14 thereof, the following carrier:

C. W. Varney and R. B. Stedman, co-partners doing business as Peninsula Parcel Delivery.

IT IS HEREBY FURTHER ORDERED that the date for making effective tariffs filed pursuant to Decision No. 37231 of July 24, 1944, in this proceeding, be and it is hereby further extended to December 15, 1945.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of October, 1945.

David Culver  
Justin F. Campbell  
Richard Kachse  
Francis E. ...  
Frank Powell  
 Commissioners