

ORIGINAL

Decision No. 39174

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

In the Matter of the Establishment of maximum and minimum, or maximum or 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 Statutes 1935, Chapter 223, as amended, for the transportation, for compensation or hire, of any and all agricultural products.

Case No. 4293

SUPPLEMENTAL OPINION AND ORDER

Minimum rates, rules and regulations for the transportation of property by common and highway carriers have been prescribed by prior orders in these proceedings.

Frank F. Sequeira, Jr. and Don Kirksey request exemption therefrom on shipments weighing 100 pounds or less. . . Sequeira operates a parcel delivery service between Palo Alto, Redwood City, San Mateo and Burlingame; Kirksey operates a similar service within a five-mile radius of the unincorporated community of Baldwin Park. Charges based upon the established minimum rates assertedly exceed the value of the services they render. . . The Commission has recognized that parcel delivery operations are substantially different from those for which the established minimum rates were primarily designed and has granted various parcel carriers operating throughout the State exemptions from the minimum rates in connection with

shipments weighing 100 pounds or less. It appears that like action should be taken here.

Southern Pacific Company seeks authority to establish rates of 17½ cents and 13 cents per 100 pounds for the transportation of refined petroleum products, in tank car equipment from Group 2 points (Richmond, Oleum, Martinez, Avon, etc.) and Redwood City, respectively, to Monterey. The sought rates are 1½ cents per 100 pounds lower than the prescribed minimum rates. This authority is sought to provide an equality of rates with highway carriers for transportation of the commodities involved to Retreat, a point within the switching limits of Monterey. It is represented that to establish the lower rates to Retreat as an exception to the rates applicable within the Monterey switching limits would result in a complicated tariff publication, that the oil companies serving the Monterey area maintain their bulk storage facilities at Retreat, that there is no movement from the points involved to the Monterey switching limits other than to Retreat, and that the Tank Truck Operators Association of California has no objection to the proposed adjustment. The sought authority should be granted.

Public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 31606, as amended, in Case No. 4246, be and it is hereby further amended by adding to paragraph (a) of Finding No. 14 thereof, Frank P. Sequoira, Jr. and Don Kirksey; that Decision No. 33977, as amended, in Case No. 4293, be and it is hereby further amended by adding to paragraph (a) of Finding No. 12 thereof, Don Kirksey.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company be and it is hereby authorized to establish, on refined petroleum

products in tank car equipment, rates less than the minimum rates prescribed by Decision No. 32608, as amended, in Case No. 4246, but not less than 17½ cents and 13 cents per 100 pounds from Group 2 points, as described in Decision No. 32608, as amended, and Redwood City, respectively, to Monterey.

The authority herein granted Southern Pacific Company shall be void unless exercised within ninety (90) days from the date of this order.

This order shall become effective on the date hereof,

Dated at San Francisco, California; this 9<sup>th</sup> day of July, 1946.

... David Anderson  
... Arthur F. Walker  
... Ernest J. ...  
... John H. ...  
... Harold ...  
Commissioners