

ORIGINAL

Decision No. 39253

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 Investigation by
 the Commission upon its own motion into
 the rates, rules, regulations, charges,
 allowances, and practices of all com-
 mon carriers, as defined in the Public
 Utilities Act of the State of Cali-
 fornia, highway carriers, as defined
 in Chapter 223, Statutes of 1935, of
 the State of California, as amended,
 and city carriers, as defined in
 Chapter 312, Statutes of 1935, of the
 State of California, as amended, re-
 lating to the transportation of property
 for hire within the State of California.

Case No. 4808

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.

Certain passenger stage corporations request exemption from the prescribed minimum rates in so far as they apply to express shipments.¹ It appears that these carriers are primarily engaged in

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The carriers are Paul Dillingham and Jack Schipp, doing business as Citrus Belt Lines; Clarence Marshall, doing business as French Gulch-Carrville Motor Stage; Lee Speirs, doing business as Las Vegas-Needles-Phoenix Stage Line; Elmer Worthington and Clayton Eslinger, doing business as San Diego-Campo Bus Line; Earl Curtis, doing business as Stanislaus Stage Line; B. D. Blackwood, doing business as St. Mary's-Moraga-Orinda Bus Line; Teddy Pappas and Ruth Demas, doing business as Teddy's Taxi Company; and P. E. Hackley, Jr., doing business as Mendocino Transit Company.

the transportation of passengers; that the express is carried on the passenger stages; that the volume of this traffic is negligible; and that it is not handled in competition with other for-hire carriers.

The Commission, recognizing that passenger stage operations are substantially different from those for which the established minimum rates were primarily designed, has, upon request, granted various such carriers operating throughout the State exemptions from the minimum rates. Similar action should be taken here.

George S. Carder and Melvin L. Shaklee, doing business as G & M Package Delivery, request minimum rate exemption on shipments weighing 100 pounds or less. They operate a parcel delivery service between Burlingame, San Mateo and Hillsborough in competition with other parcel delivery carriers who have been heretofore granted minimum rate exemption. Like exemption should be granted Carder and Shaklee.

Certain common carriers have filed petitions seeking authority to enlarge their pickup and delivery zones at El Monte, Napa and Petaluma.² They propose to apply rates now in effect from and to El Monte, Napa and Petaluma, as the case may be, throughout the enlarged zones.

The verified petitions show that the territories involved are integral parts of the industrial development of the cities in question; that they are within three miles of the corporate limits of these cities; and that a number of industries are located in these areas. The petitions also show that by reason of the relatively

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Pacific Electric Railway Company and Southern Pacific Company serve El Monte, Pacific Motor Trucking Company and Southern Pacific Company serve Napa, and Northwestern Pacific Railroad Company, Petaluma and Santa Rosa Railroad Company and Pacific Motor Trucking Company serve Petaluma. The El Monte, Napa and Petaluma petitions were filed July 5, 12 and 16, 1946, respectively.

short distances involved only slight deviations from the minimum rates would result from the proposed adjustments and that the granting of the authority would enable petitioners to accord an equality of rates and service to all similarly situated industries and persons not now receiving comparable service under the El Monte, Napa and Petaluma rates. Competing carriers have been notified of the filing of the petitions and have offered no objection thereto. The sought authority should be granted.

Among other things, Decision No. 39004 of May 21, 1946 in Case No. 4808, authorized common carriers subject to the Public Utilities Act to establish increases of not exceeding 12 per cent in rates on commodities for which rates have not been established by the Commission in outstanding minimum rate orders. This permissive authority has been in effect for approximately two months. Carriers intending to exercise the authority have had ample opportunity to do so. The permissive authority should now be canceled.

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 the following carriers to paragraph (c) of Finding No. 14 thereof:

Paul Dillingham and Jack Schipp, doing business
as Citrus Belt Lines.
Clarence Marshall, doing business as French Gulch-
Carrville Motor Stage.
George S. Carder and Melvin L. Shaklee, doing business
as G & M Parcel Delivery.
Lee Speirs, doing business as Las Vegas-Needles-
Phoenix Stage Line.
Elmer Worthington and Clayton Eslinger, doing business
as San Diego-Campo Bus Line.
Earl Curtis, doing business as Stanislaus Stage Line.
B. D. Blackwood, doing business as St. Mary's-Moraga-
Orinda Bus Line.
Teddy Pappas and Ruth Demas, doing business as
Teddy's Taxi Company.
P. B. Hackley, Jr., doing business as Mendocino
Transit Company.

IT IS HEREBY FURTHER ORDERED that the aforesaid petitions of Pacific Electric Railway Company, Pacific Motor Trucking Company, Southern Pacific Company, Northwestern Pacific Railroad Company and Petaluma & Santa Rosa Railroad Company, be and they are hereby granted; that petitioners be and they are hereby authorized to establish, for the transportation involved, rates less than the minimum rates prescribed by Decision No. 31606, as amended, in this proceeding but not less than those prescribed for like transportation from and to El Monte, Napa and Petaluma; and that tariffs filed pursuant to this order may be made effective on not less than five (5) days' notice to the Commission and to the public.

IT IS HEREBY FURTHER ORDERED that the permissive authority to make rate increases granted by the third ordering paragraph of Decision No. 39004 of May 21, 1946, in Case No. 4808, be and it is hereby canceled.

The authority herein granted Pacific Electric Railway Company, Pacific Motor Trucking Company, Southern Pacific Company, Northwestern Pacific Railroad Company and Petaluma & Santa Rosa Railroad Company shall be void unless exercised within ninety (90) days from the effective date hereof.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 30 day of July, 1946.

Edward J. Quinn

Justice F. O'Connell

Edward J. Quinn

John H. Dwyer

Harold P. Kille

 Commissioners