

**ORIGINAL**Decision No. 39972

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Nicholas J. Radunich and Benjamin )  
 F. Hawes doing business as the Red )  
 Line Carriers Company to charge less ) Application No. 28198  
 than the minimum established rates )  
 as published in Highway Carriers' )  
 Tariff No. 2. )

OPINION AND ORDER

Nicholas J. Radunich and Benjamin F. Hawes, doing business as Red Line Carriers Company, operate as a radial highway common, highway contract and city carrier. They are engaged exclusively in performing parcel delivery service for certain retail department stores located in San Jose. By this application they seek authority under Section 11 of the Highway Carriers' Act to transport, until August 1, 1947, shipments weighing 25 pounds or less from San Jose to points beyond that city, but within a radius of thirty miles thereof, at rates less than the established minimum rates.<sup>1</sup> Minimum rates have not been established for San Jose intracity service.

The verified application shows that on March 1, 1946 applicants acquired the business and operating equipment of C. J. Nagel; that authority similar to that herein sought was granted applicants' predecessor by Decision No. 38248 of September 5, 1945, in Application

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The sought rates are 15, 12½ and 10 cents per package, depending upon the weekly revenue derived from the transportation service performed for the shipper. The 15-cent rate applies where the revenue is less than \$2 per week. The 12½ and 10-cent rates apply where minimum revenues are \$2 and \$10 respectively. Under the prescribed minimum rates established by Decision No. 31606, in Case No. 4246, as amended by Decision No. 39004 in Case No. 4808, the charge for this transportation is 47 cents per shipment, regardless of weekly revenue. Effective March 31, 1947, however, the minimum charge will be \$1 per shipment, in accordance with the provisions of Decision No. 39945 in Case No. 4808.

No. 23342, and in prior proceedings; and that applicants failed earlier to apply for corresponding authority because they were without knowledge of the Commission's requirements in this respect. It also discloses that applicants' operations have been conducted under circumstances and conditions substantially similar to those prevailing prior to their acquisition of the business; that, based upon applicants' recent experience, the proposed rates will be compensatory for the transportation service performed; that wage rates for applicants' employees are now under negotiation; and that further study of the cost of the transportation involved will be made subsequent to the conclusion of these negotiations.

It appears that this is a matter in which a public hearing is not necessary and that the sought temporary authority has been justified.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Nicholas J. Radunich and Benjamin F. Hawes, doing business as Red Line Carriers Company, be and they are hereby authorized to transport property in shipments weighing 25 pounds or less from the retail stores in San Jose named in Appendix "A" hereof to points within the territory described in Appendix "B" hereof, at rates less than the established minimum rates, but not less than those set forth in said Appendix "B".

The authority herein granted shall expire on August 1, 1947 unless sooner cancelled, changed or extended by appropriate order of the Commission.

APPENDIX "A"

LIST OF CONTRACT SHIPPERS LOCATED IN SAN JOSE

APPELTON'S	First and San Carlos Streets
M. BLUM AND COMPANY	26 South First Street
BON TON	78 South First Street
BLOOM'S	135 South First Street
BOYS' STORE	321 South First Street
DECKELMANN'S	3rd and San Antonio Streets
DUNDEE	91 South First Street
FARMER'S UNION	151 West Santa Clara Street
HALE BROS.	1st and San Carlos Streets
L. HART AND SON	Market and Santa Clara Streets
HEITZMANN	36 East Santa Clara Street
HEROLD'S	74 South First Street
KIDDIE SHOP	281 South First Street
KOCHER'S JEWELRY	169 South First Street
KRESS COMPANY	170 South First Street
JUVENILE SHOP	236 South First Street
McWHORTER-YOUNG	240 South First Street
MARCUS, THE FURRIER	56 South First Street
MONTGOMERY WARD AND COMPANY	162 South First Street
NATHAN-DOERMANN	325 South First Street
J. C. PENNY	51 South First Street
PRUSSIA'S	127 South First Street
ROBINSON'S	First and William Streets
ROOS BROS.	16 South First Street
ROYCE'S JEWELRY	72 South First Street
SCHROEDER'S	39 South Second Street
SPRING'S	Market and Santa Clara Streets
UNION FURNITURE COMPANY	353 South First Street
WARDROBE	Second and Santa Clara Streets
J. S. WILLIAMS	227 South First Street

APPENDIX "B"

AUTHORIZED RATES

ZONE 1

Beginning at the intersection of U.S. Highway No. 101 and Brokaw Road; thence southwesterly along Brokaw Road to the corporate boundary of the City of Santa Clara; westerly, southerly and easterly along said corporate boundary to Santa Clara and Los Gatos Road; southerly along Santa Clara and Los Gatos Road through Campbell to a point approximately 1/2 mile south of Campbell Avenue; easterly along an imaginary line to Union Avenue; southerly along Union Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; northerly along Almaden Road to Stone Avenue; southerly and easterly along Stone Avenue to U.S. Highway No. 101; southeasterly along U.S. Highway No. 101 to Tully Road; north-easterly along Tully Road to King Road; northwesterly along King Road to Story Road; northeasterly and easterly along Story Road to Clayton Road; northerly along Clayton Road to Mt. Hamilton Road; northwesterly along an imaginary line to Alum Rock Fall Road; westerly along Alum Rock Road and Penitencia Road to Capitol Avenue; northwesterly along Capitol Avenue to Berryessa Road; southwesterly along Berryessa Road to the point of Crossing of the Coyote River; northwesterly along an imaginary line paralleling said river channel to its intersection with State Highway No. 17 and Brokaw Road; westerly and southwesterly along Brokaw Road to point of beginning.

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Shipments weighing 25 pounds or less:

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From:	To:	Rate in cents Per Package
San Jose retail stores described in Appendix "A" of this order.	Points within Zone 1	15 (1) 12½ (2) 10

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- (1) Subject to a guaranteed weekly minimum revenue of \$2.00  
 (2) Subject to a guaranteed weekly minimum revenue of \$10.00
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This order shall be effective on the date hereof.

Dated at San Francisco, California, this 15th day of  
February, 1947.

Harold P. Kula

Justin F. Casper

Robert Powell

A. J. ...

Frederick H. ...  
Commissioners