

Decision No. 42344

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

In the Matter of the Application of )  
 W. W. Miles and Pat L. Nolet, a )  
 partnership doing business as Miles )  
 & Sons Trucking Service, for authority ) Application No. 29876  
 to charge less than minimum rates )  
 under the provisions of the Highway )  
 Carriers' Act. )

OPINION AND ORDER

This application involves rates for the transportation of sand and gravel in dump truck equipment from Centerville to Oakland and San Jose. Minimum rates for this transportation are on an hourly basis. They vary with the capacity of the equipment. Applicants seek authority to observe, in lieu of hourly rates, rates of 66 cents per ton to Oakland and 60 cents per ton to San Jose. These rates are proposed to be used in connection with service for Pacific Coast Aggregates, Inc. The proposal is restricted to operations involving deliveries to that company's yards at 92nd Avenue and San Leandro Street and at Peralta Street in Oakland and at Stockton Avenue in San Jose.

The verified application shows that the transportation in question will amount to about 20,000 tons per month; that the shipper will make its loading and unloading facilities available to applicants 24 hours a day; and that under the circumstances applicants will enjoy a greater than normal use factor. It also shows that, unless the sought authority is granted, the shipper will provide its own transportation or construct railroad spur tracks at the origin point; that the yards at the destination points are

served by railroad; and that the proposed rates are not lower than the minimum dump truck rates which would be applicable to this transportation if the shipper's Centerville Yard were served by spur tracks.

Applicants transport cement in the same type of equipment for a distance comparable to the Centerville-Oakland mileage under virtually the same conditions as are involved here. Decision No. 41487 of April 20, 1948, in Application No. 29141, authorized them to observe a rate of 65 cents per ton for their cement traffic. Applicants point out that the preponderant movement of the sand and gravel will be to Oakland. They assert that the cement hauling has been profitable and that the 66-cent sand and gravel rate to Oakland and the related 60-cent rate to San Jose will likewise be profitable.

Competing carriers were notified of the filing of the application. No objection has been offered to its being granted.

It appears that under the circumstances the proposed rates are reasonable. A public hearing is not necessary. Because the conditions under which the transportation in question is performed may change at any time, the authority will be limited to a period of one year.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that W. W. Miles and Pat L. Nolet be and they are hereby authorized to transport sand and gravel in dump truck equipment for Pacific Coast Aggregates, Inc. from Centerville to its yards at 92nd Avenue and San Leandro Street and at Peralta Street in Oakland and at Stockton Avenue in San Jose at rates less than the minimum rates established for that transportation by Decision No. 32566 of November 14, 1939, as amended, in

Cases Nos. 4246 and 4434, but not less than 66 cents per ton to Oakland and 60 cents per ton to San Jose; and that the authority herein granted shall expire one year from the effective date hereof unless sooner cancelled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 21st day of December, 1948.

R. E. [unclear]  
Justice F. [unclear]  
[unclear]  
Harold P. [unclear]  
[unclear]

Commissioners