

ORIGINAL

Decision No. 43021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relating)
to the transportation of property.)

Case No. 4808

AND)
Applications of LANG TRANSPORTATION)
CORPORATION, SEARGEANT TRANSPORTA-)
TION COMPANY and PACIFIC TRUCK)
SERVICE, INC. for authority to)
charge less than minimum rates under)
the provisions of the Highway)
Carriers' Act.)

Applications Nos.
27647(3rd Supplemental)
28539(2nd Supplemental)
29963

SUPPLEMENTAL OPINION AND ORDER

In Applications Nos. 27647, 28539 and 29963, Lang Transportation Corporation, Clark E. Seargeant, Audrey L. Seargeant and Roger E. Seargeant, doing business as Seargeant Transportation Company, and Pacific Truck Service, Inc. have been authorized, under Section 11 of the Highway Carriers' Act, to transport bulk petroleum products from Monterey to San Juan, from San Marino to Ventura, and from Shell Point to Martinez, respectively, at rates less than the minimum rates otherwise applicable. These authorizations have been granted for one-year periods. They have been made subject to change and extension as circumstances may require.

Recently, Lang, Seargeant and Pacific obtained certificates of public convenience and necessity.¹ Future operations will be conducted as highway common carriers subject to the Public Utilities Act in lieu of being conducted under permits issued pursuant to the provisions of the Highway Carriers' Act. As highway common carriers, Lang, Seargeant and Pacific are required to publish and file their

¹ See Decision No. 42623 of March 15, 1949, in Applications Nos. 29416, 29472 and 29667.

tariff rates but are not authorized to establish rates lower than the prescribed minimum rates. By petition in Case No. 4808, they seek authority to establish, in their common carrier tariffs and for a further one-year period, the rates now being observed under the Section 11 orders; by supplemental applications, Lang and Seargeant seek 60-day extensions of their existing authorities which are scheduled to expire July 20 and July 9, 1949, respectively.

The verified petition shows that there has been no change in the general circumstances and conditions surrounding the operations in question; that service has been rendered on a profitable basis under the authorized rates; and that continued observance of these rates is necessary in order to preserve the traffic for for-hire carriage. The verified supplemental applications show that publication of the tariff rates is not anticipated before the expiration dates of the respective authorities and that extensions thereof are necessary to preserve the existing bases of rates.

The sought authorities have been justified and will be granted. A public hearing is not necessary.

Petitioners' tariff rates are required to be established on or prior to August 17, 1949, on not less than five (5) days' notice. Similar requirements will be made with respect to the tariff publishing authority herein granted. The necessary permission to depart from the long and short haul provisions of Section 24(a) of the Public Utilities Act and Article XII, Section 21 of the State Constitution will be granted. The expiration dates of Lang's and Seargeant's respective authorities will be extended to August 17, 1949. To prevent a lapse of the authorities, the order will be made effective July 9, 1949.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Lang Transportation Corporation, Clark E. Scargeant, Audrey L. Scargeant, and Roger E. Scargeant, and Pacific Truck Service, Inc. may establish in their tariffs on or prior to August 17, 1949, on not less than five (5) days' notice to the Commission and the public, rates between the same points, of the same volume, and subject to the same conditions as the rates authorized by Decisions Nos. 41849 of July 20, 1948, as amended, 41831 of July 7, 1948 and 42447 of January 25, 1949 in Applications Nos. 27647, 28539 and 29963, respectively; that the rates so established shall be published to expire one year after their effectiveness unless sooner canceled, changed or extended by order of the Commission; that said carriers be and they are hereby authorized to depart from the provisions of Section 24(a) of the Public Utilities Act and Article XII, Section 21 of the Constitution of the State of California to the extent necessary to carry out the order herein; that concurrently with the effectiveness of the tariff rates herein authorized the corresponding authority granted in each of the above-numbered applications be and it is hereby canceled; and that the expiration dates of the aforesaid Decisions Nos. 41849, as amended, and 41831 be and they are hereby extended to August 17, 1949, unless sooner canceled, changed or further extended by order of the Commission.

This order shall become effective July 9, 1949.

Dated at San Francisco, California, this 21st day of June, 1949.

R. B. Anderson
Justin F. Craven
W. H. Hill
Harold P. Hule
Samuel P. Potter
Commissioners