

Decision No. 43195

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 A. D. PAXTON and J. C. PETERS, a co-)
 partnership doing business as DELAIR)
 TRUCK CO., for authority to charge less) Application No. 29891
 than minimum rates under Sections 10)
 and 11 of the City Carriers' Act and)
 the Highway Carriers' Act, respectively,)
 for the transportation of iron and steel)
 articles and other commodities for Beth-)
 lehem Pacific Coast Steel Corporation)
 and Bethlehem Supply Company.)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 42551, dated February 23, 1949, in this proceeding authorized the applicants herein to assess reduced rates for designated transportation service which they perform for certain steel companies. By petition, the Motor Truck Association of Southern California, a non-profit corporation representing various motor carriers, seeks clarification of the authority granted.

Applicants were authorized to provide the service "at rates lower than the minimum rates for such transportation but not lower than one-half cent per one hundred pounds less than the minimum rates in effect January 10, 1949..." The Association asserts that question has developed whether the minimum rates are specifically those in the applicable minimum rate tariffs or whether they also include, by reason of specified tariff provisions, lower rates published by common carriers.

The decision states that the applicable minimum rates are those set forth in Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended, in Case No. 4246) and City Carriers' Tariff No. 4, Highway Carriers' Tariff No. 5 (Appendix "A" to

Decision No. 3250⁴, as amended, in Case No. 4121). In order to remove any uncertainty regarding the authority granted by Decision No. 42551, an appropriate amendment will be made in the order thereof. For purposes of further clarification, the amendment will also specify the precise location of the steel companies. A public hearing in this matter is not necessary.

Good cause appearing,

IT IS HEREBY ORDERED that the first ordering paragraph of Decision No. 42551, dated February 23, 1949, be and it is hereby amended to read as follows:

IT IS HEREBY ORDERED that A. D. Paxton and J. C. Peters, copartners doing business as the DeLair Truck Co., be and they are hereby authorized to transport for the Bethlehem Pacific Coast Steel Corporation, and for the Bethlehem Supply Company, articles described in Item No. 365 series of Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended, in Case No. 4246) and iron and steel articles and structural iron and steel as described in Item No. 340 series of City Carriers' Tariff No. 4, Highway Carriers' Tariff No. 5 (Appendix "A" to Decision No. 3250⁴, as amended, in Case No. 4121) at rates lower than the minimum rates for such transportation but not lower than one-half cent per one hundred pounds below the rates specifically set forth as of January 10, 1949, in Highway Carriers' Tariff No. 2 and in City Carriers' Tariff No. 4, Highway Carriers' Tariff No. 5 (exclusive of common carrier rates applicable by reason of alternative provisions of the tariffs), subject to the following conditions:

1. The authority herein granted will apply only to transportation performed for the above-named companies between their manufacturing plants, warehouses, and related facilities located at and in the vicinity of 3391 East Randolph Street, Vernon, and points within a radius of 25 constructive miles from the intersection of 1st and Main Streets, Los Angeles, said mileage to be computed in accordance with the terms and provisions of Distance Table No. 3 (Appendix "A" to Decision No. 31605, as amended, in Case No. 4246).
2. The authority herein granted will not apply to the transportation of split pickup or split delivery shipments as defined in the applicable minimum rate tariffs.

IT IS HEREBY FURTHER ORDERED that in all other respects
Decision No. 42551 shall remain in full force and effect..

The effective date of this order shall be twenty (20) days
after the date hereof.

Dated at San Francisco, California, this 9th day of
August, 1949.

A. J. Anderson

Robert L. ...

Kenneth Potter

Commissioners