

ORIGINAL

Decision No. 43847

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Frank M. Teixeira, doing business as)
Frank's Trucking Company, for author-) Application No. 31014
ity to charge less than minimum rates)
under provision of Section 10, City)
Carriers' Act.)

OPINION AND ORDER

Applicant is a city carrier operating in Oakland. By this application he seeks authority to charge a rate of \$5.00 per hour in lieu of the established minimum rate of \$7.03 per hour for the transportation of empty tin cans from Continental Can Company's plant in Oakland to its storage yard approximately 700 feet therefrom. Similar authority, but on a lower rate level, was granted applicant in 1947.¹ This authority expired October 6, 1948.

The verified application shows that the short distance involved enables applicant to average seven loads per 8-hour day; that charges under the present minimum rate are excessive; that the proposed rate will cover all costs and return a satisfactory profit; and that the sought authority is necessary to avoid diversion of the traffic involved to proprietary operations.

Draymen's Association of Alameda has been notified of the filing of this application and has advised that it has no objection to its being granted.

It appears that this is a matter in which a public hearing is not necessary and that the application should be granted. Because conditions may change at any time, however, the authority will be limited to a period of one year and made subject to earlier cancellation, modification or extension.

¹ Decision No. 40713, dated September 16, 1947, in Application No. 28614.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Frank M. Teixeira, doing business as Frank's Trucking Company, be and he is hereby authorized to transport empty tin cans for Continental Can Company from its plant at 5601 San Leandro Boulevard, Oakland, to its storage yard approximately 700 feet therefrom at rates less than the minimum rates established by Decision No. 29217, as amended, in Cases Nos. 4106 and 4109, but not less than \$5.00 per hour.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire one (1) year after the effective date of this order.

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

Dated at San Francisco, California, this 20th day of February, 1950.

A. J. [Signature]
Justus Z. Calver
Robert D. [Signature]
Harold P. [Signature]
Remond [Signature]
Commissioners