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Decision No. 46523

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) Case No. 4808
carriers and city carriers relating)
to the transportation of property.)

SUPPLEMENTAL OPINION AND ORDER

By petition filed November 29, 1951, the rail lines and
Pacific Motor Trucking Company ask for postponement of the January 1,
1952 effective date of Decisions Nos. 46022, 46026 and 46028 of
July 31, 1951, and various amendments thereto, in the above-entitled
proceeding, and for postponement of the effective date of tariff pub-
lications required by such decisions until June 30, 1952. These
decisions establish revised constructive highway mileages.

Petitioners represent that, although they have had a sub-
stantial staff engaged in the necessary tariff revisions since
August, only about one-fourth of the task has been completed. Amend-
atory decisions, they state, have further delayed the work.

Petitioners confine their requests to the general commodity
and the bulk petroleum and petroleum products tariffs. They rely
solely upon their need for additional time in which to make the tar-
iff filings. Decision No. 46486 of December 4, 1951, postponed the
application of the revised mileages insofar as the petroleum tariff
is concerned.

Replies to the petition were submitted on behalf of numerous
other common carriers. These carriers object to any postponement of
the effective date of the new distance table. They point out that

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their revised tariffs have been filed with the Commission pursuant
to outstanding orders, that these tariffs are not confined to the
general commodity rates covered by the rail line petition, and that
similar tariff filings have been made with the Interstate Commerce
Commission for application to interstate traffic. They assert that
although both increases and reductions in rates are involved in
connection with the revised mileages the reductions predominate, and
that postponement of the effective date of the revised mileages as
sought by the rail lines would deprive shippers of the benefits of
the prescribed reductions. They assert further that the proposed
postponement would subject them to substantial additional expense
in compiling, publishing and filing the further tariff changes
which would thus be made necessary. They do not oppose petitioners
being granted an extension of time in which to complete their tariff
revisions.

There is no showing of a need for postponement of the
January 1, 1952 effective date for any respondents other than the
petitioners. Nor would radial highway common or contract carriers
be disadvantaged by the granting of relief to petitioners since
permitted highway carriers are authorized to observe common carrier
rates when such rates are lower than the minimum rates. Other common
carriers may, under the same provisions, establish such lower rates
in their own tariffs on statutory notice, or may seek authority to
establish them on shorter notice.

In the circumstances, it appears that petitioners should
be granted an extension of time in which to file their tariff amend-
ments, as requested. A change in the effective date of Distance
Table No. 4 has not been justified.

A public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that petitioners be and they are hereby authorized to defer until a date not later than June 30, 1952, the filing of revisions to tariffs named in the petition pursuant to Decisions Nos. 46022 and 46028 of July 31, 1951, and Decisions Nos. 46434, 46435 and 46436 of November 20, 1951; and that in all other respects the petition of the rail lines and Pacific Motor Trucking Company, filed November 29, 1951, be and it is hereby denied.

This order shall become effective December 24, 1951.

Dated at San Francisco, California, this __11th__ day of December, 1951.

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President

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Commissioners