

**ORIGINAL**

Decision No. 46593

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

SUPPLEMENTAL OPINION AND ORDER

By petition filed December 24, 1951, California Motor Express, Ltd., and Stockton Motor Express, Inc., seek authority to defer, until March 31, 1952, the filing of tariff amendments establishing revised rates to become effective January 1, 1952. These amendments are to be filed pursuant to Decisions Nos. 46022, 46024 and 46028 of July 31, 1951, in the above entitled proceeding. By the same petition Delta Lines, Inc., Highway Transport, Inc., Highway Transport Express, Interlines Motor Express, Inter-Urban Express Corporation, Johnson Truck Lines, Kellogg Express and Draying Co., Merchants Express Corporation, Nielsen Freight Lines, Pacific Motor Tariff Bureau and Riske Trucking Co. seek authority to issue suspension supplements to their tariffs, postponing to and including March 31, 1952, on one day's notice, the effectiveness of revisions made pursuant to the above referred to decisions. By petition filed December 26, 1951, Peninsula Motor Express and Willig Freight Lines request like suspension authority.

California Motor Express and Stockton Motor Express represent that, due to the volume of work involved, they have been unable to complete the tariff work. Upon like representations other common carriers have been granted similar relief. In the circumstances, California Motor Express and Stockton Motor Express should be granted the extension sought.

The other petitioners allege that, insofar as their tariffs are concerned, the revisions are predominately reductions; and that if these reductions become effective it would give them a competitive advantage over carriers which have been unable to finish the tariff work and have been authorized to defer their tariff filings. All of the petitioners further allege that it is in the public interest that rate equality be maintained. They acknowledge that the non-tariff filing carriers (highway contract and radial highway common carriers) will be able to observe the lower rates. There is no evidence of any notification of interested shippers.

The granting of authority to common carriers to defer similar tariff publications has been, with one exception, on the basis of inability to complete the necessary tariff work within the required time. The exception involves a carrier whose competitors have been granted an extension of time, and who would have been at a competitive disadvantage because he would have had higher rates. Petitioners' request for authority to suspend their tariffs in order to maintain rate equality among tariff filing carriers has not been justified. The propriety of the rate adjustment has not been challenged. Shippers should not be deprived of the benefit of the reduced rates under the circumstances here.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that California Motor Express, Ltd., and Stockton Motor Express, Inc., be and they are hereby authorized to defer until a date not later than March 31, 1952, the filing of revisions to their tariffs pursuant to Decisions Nos. 46022, 46024

and 46028 of July 31, 1951, and amendments thereto; and that in all other respects the above referred to petitions filed December 24 and December 26, 1951, be and they are hereby denied.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of December, 1951.

A. Z. Zimmerman  
President  
Justus J. Cramer  
Francis H. Pottier  
John E. Mitchell  
Commissioners