

ORIGINAL

Decision No. 46603

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 STERLING TRANSIT COMPANY, INC., a)
 corporation, for authority to establish)
 joint rates with VERYL CALLISON, an)
 individual, doing business as CALLISON)
 TRUCK LINES, DELTA LINES, INC., a cor-)
 poration, C. L. DICKMAN, an individual)
 doing business as DICKMAN OVERNITE CAR)
 SERVICE, HIGHWAY TRANSPORT, INC., a)
 corporation, C. S. McLENEGAN and HAROLD)
 M. HAYS, copartners doing business as)
 INTERCITY TRANSPORT LINES, INTER-URBAN)
 EXPRESS CORP., a corporation, WALTER J.)
 JOHNSON and ROSE A. JOHNSON, copartners)
 doing business as JOHNSON TRUCK LINES,)
 MERCHANTS EXPRESS CORPORATION, a cor-)
 poration, J. R. NIELSEN FREIGHT LINES,)
 OREGON NEVADA CALIFORNIA FAST FREIGHT,)
 a corporation, PENINSULA MOTOR EXPRESS,)
 a corporation, A. W. WAY, an individual)
 doing business as WAY'S REDWOOD EMPIRE)
 FREIGHT LINES, WILLIG FREIGHT LINES, a)
 corporation, SOUTHERN CALIFORNIA FREIGHT)
 LINES, a corporation, VICTORVILLE-BARSTOW)
 TRUCK LINE, a corporation, and WESTERN)
 TRUCK LINES, LTD., a corporation.)

Application No. 32948

OPINION AND ORDER

Sterling Transit Company, Inc., is a highway common carrier of general commodities between the San Francisco Bay and Los Angeles metropolitan areas, and between those areas, on the one hand, and the San Diego area, on the other. Under the provisions of Section 1066 of the Public Utilities Code joint rates may not be established by two or more highway common carriers without the express approval of the Commission. Sterling's common carrier operative right was granted by Decision No. 43003 (48 Cal.P.U.C. 712 (1949)). This decision prohibited the establishment of joint rates with express corporations and freight forwarders without the approval of the Commission.

By the above-entitled application, Sterling and the other highway common carrier, express corporation and freight forwarder applicants seek authority to establish joint rates between the areas served by Sterling and points beyond served by the other carriers.

The rates proposed to be established are the up to 20,000-pound minimum class rates named in Highway Carriers' Tariff No. 2, except that the rates proposed to be established with Robertson Drayage, Inc., and Oregon Nevada California Fast Freight, Inc., are the class rates for any-quantity and 4,000-pound minimum shipments. Authority is also sought to publish the proposed rates on five days' notice and to depart from the long and short haul provisions of the Constitution and of the Public Utilities Act to the extent necessary to establish the proposed rates.

Service over applicants' lines between the points involved is now subject to combinations of their local rates. These combination rates are higher than the rates of competing carriers and exceed the minimum rates established by the Commission for through transportation. Applicants point out that shippers must pay higher charges to use their service.

Competing carriers have been notified of the filing of the application. No objections have been received.

It appears that the establishment of joint rates as proposed is not adverse to the public interest and is justified. The application will be granted. A public hearing is not necessary.

Therefore, good cause appearing,

1.

By Decision No. 44585 of July 25, 1950, in Application No. 31544, Robertson Drayage Co., Inc., acquired the operative rights of C.L. Dickman, an individual, doing business as Dickman Overnight Car Service. This operation is conducted as a freight forwarder. Applicant Intercity Transport Lines, is an express corporation. The remaining applicants are highway common carriers.

IT IS HEREBY ORDERED that applicants be and they are hereby authorized, within sixty (60) days after the effective date of this order and on not less than five (5) days' notice to the Commission and the public, to establish the joint through rates proposed in the above-entitled application and to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code to the extent necessary to establish the rates authorized herein.

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

Dated at San Francisco, California, this 31st day of January, 1952.

R. T. [Signature]
President
Justin J. [Signature]
Harold [Signature]
[Signature]
[Signature]
Commissioners