

ORIGINAL

Decision No. 46672

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

SUPPLEMENTAL OPINION AND ORDER

Highway carriers of property are required to observe minimum rates established by the Commission. Specific rates for radial highway common, highway contract and petroleum contract carriers are set forth in minimum rate tariffs. Highway common and petroleum irregular route carriers are required to publish and maintain in their tariffs rates no lower than the minimum rates. All classes of highway carriers may meet the tariff rates of railroads or other common carriers when such rates are lower than the specifically stated minimum rates. The highway common and petroleum irregular route carriers, however, must first publish and file the competitive rates in their own tariffs. They have made such filings in various instances to meet railroad carload commodity rates. By Decision No. 46572 of December 18, 1951, in Application No. 32219, the rail lines were authorized to increase their carload commodity rates generally by 6 percent. Tariffs establishing this increase were made effective January 14, 1952.

By petition filed January 9, 1952, the Motor Truck Association of Southern California and The Truck Owners Association of California seek an order authorizing highway common and petroleum irregular route carriers to increase their rates published to meet rail competition to the extent made necessary by the adjustment of the corresponding rail rates. Petitioners ask

permission to make these revisions on one day's notice to the Commission and to the public. They also request such other relief as may be required for the proposed adjustments. They point out that highway common and petroleum irregular route carriers are authorized under outstanding orders of the Commission to deviate from the specific minimum truck rate levels by establishing rates as low as carload rail rates, but are not permitted to maintain rates lower than the rail rates. The petition is filed to satisfy the requirements of Section 454 of the Public Utilities Code that all rate increases proposed by tariff-filing common carriers be authorized.

In the circumstances, the proposed adjustments are justified. One day's notice in filing the adjusted rates has not been shown to be sufficient. Five days' notice will be authorized instead.

Petitioners also seek an order directing all radial highway common, highway contract and petroleum contract carriers to increase their competitive rates to the new rail rate level. To eliminate any conflict between the ceiling rates of highway contract carriers and petroleum contract carriers established under the provisions of general ceiling price regulations and adjusted competitive rates of contract carriers, petitioners request that the Commission file with the Regional Director of the Office of Price Stabilization a petition pursuant to Supplementary Regulation 23 for adjustment of the ceiling rates.

Under outstanding minimum rate orders deviations from the specific minimum truck rate levels by radial highway common, highway contract and petroleum contract carriers are limited to the competitive rates in effect on the date of shipment. Consequently, no further order with respect to these carriers is

necessary. However, the requested filing with the Office of Price Stabilization will be made for the reason advanced by petitioners.

In view of the fact that the rail rate adjustments are now applicable, the order herein will be made effective immediately.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that highway common carriers and petroleum irregular route carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, rates below the specific minimum truck rate levels otherwise applicable be and they are hereby authorized to increase such rates, on not less than five (5) days' notice to the Commission and to the public, to the level of the rail rates established pursuant to Decision No. 46572 of December 18, 1951, in Application No. 32219, or to the level of the specific minimum truck rates whichever is lower; and that such carriers be and they are hereby authorized to depart from the provisions of Tariff Circular No. 2, General Order No. 80, Section 460 of the Public Utilities Code and Article XII, Section 21 of the Constitution of the State of California, to the extent necessary to make the adjustments authorized herein.

IT IS HEREBY FURTHER ORDERED that in all other respects the petition of the Motor Truck Association of Southern California and The Truck Owners Association of California, filed January 9, 1952, in this proceeding, be and it is hereby denied.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup> day of January, 1952.

W. J. [Signature]  
President  
Justice F. Callahan  
Harold P. [Signature]  
John F. [Signature]

Commissioners  
Commissioner Kenneth Potter, being  
necessarily absent, did not participate  
in the disposition of this proceeding.