

ORIGINAL

Decision No. 47029

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
PACIFIC MOTOR TRUCKING COMPANY for	)	
a certificate of public convenience	)	
and necessity authorizing transporta-	)	
tion of property as a highway common	)	
carrier between San Fernando, Niland,	)	Application No. 32183
Tustin, Corona, Long Beach and Los	)	
Angeles Harbor, rail points inter-	)	
mediate thereto and certain non-rail	)	
points, and for an in lieu certificate.)	)	

FIRST SUPPLEMENTAL OPINION

Decision No. 46872, in Application No. 32183, dated March 17, 1952, granted a certificate of public convenience and necessity for the transportation of general commodities with certain exceptions between named points in the Los Angeles area as a highway common carrier. This decision in ordering paragraph (2) also granted to this petitioner a similar certificate authorizing it to operate as such highway common carrier in the general area but between other named points which transportation was stated to be "auxiliary to or supplemental of rail service of Southern Pacific Company or Pacific Electric Railway Company and either moving at the rates and on the billing of Southern Pacific Company, Pacific Electric Railway Company, Railway Express Agency, Incorporated, or The Atchison, Topeka & Santa Fe Railway Company, or either of them, or being transported for an express corporation."

Petitioner alleges that in and by paragraph (4) of the order in said Decision No. 46872 certain outstanding decisions of the Commission which had granted petitioner certificates of public convenience and necessity in the general territory involved were revoked. Certain of these revoked decisions had granted petitioner

certificates of public convenience and necessity authorizing operations to and from non-rail points, among others, and that as to such non-rail points it alleges that it now has on file its tariffs of rates and charges.

The authority granted in ordering paragraph (2) of said Decision No. 46872 requires that the transportation even to the non-rail points which petitioner now serves, be performed at the rates and on billing of Southern Pacific Company, Pacific Electric Railway Company, Railway Express Agency, Incorporated or The Atchison, Topeka & Santa Fe Railway Company, or either (sic) of them, or transported for an express corporation. The record in the proceeding in Application No. 32183 indicates that petitioner proposes to continue serving these non-rail points, as well as points which might hereafter cease to be served by rail. The requirement that shipments move to, from or between non-rail points under rates and billing of rail carriers was inadvertent as rail rates may not properly be published to, from or between points not served by rail. Petitioner should be permitted to continue to serve non-rail points now served by it under its own tariffs of rates and charges. Likewise points now served by rail which hereafter may become non-rail points should also be served by petitioner under its own tariffs, or under joint rate arrangements on billing of another carrier over whose line the movement may originate.

Petitioners' request that ordering paragraph (2) of said Decision No. 46872 be amended to permit the filing by it of appropriate tariffs of rates and charges for services to non-rail points upon not less than five days' notice to the Commission and the public will therefore be granted. A public hearing is unnecessary. Petitioner also asks that the amandatory order be made effective

not later than April 22, 1952. The order will be made effective on said date.

FIRST SUPPLEMENTAL ORDER

Petition therefor having been filed, the Commission being advised in the premises and being of the opinion that it is required by the public interest,

IT IS ORDERED that ordering paragraph (2) appearing on sheet 20 of Decision No. 46872, in Application No. 32183, dated March 17, 1952, be, and said ordering paragraph (2) hereby is, amended by inserting in the tenth line after the word "and" the following: ",as to transportation between any two rail points," and by striking from the fourteenth line the word "either" and substituting therefor the word "any".

The effective date of this order shall be the date hereof.

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

[Signature]  
President

Justus F. Casner

Harold A. Hule

Kenneth P. Potter

[Signature]  
Commissioners