

Decision No. ~~17231~~

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
BELYEA TRUCK CO., a corporation, for)	
authority to depart from the rates,)	
rules and regulations of Highway)	
Carriers' Tariff No. 2, City Carriers')	Application No. 33161
Tariff No. 4 - Highway Carriers' Tariff)	
No. 5, under the provisions of the)	
Highway Carriers' Act and the City)	
Carriers' Act.)	

OPINION AND ORDER

Eldred Northrup, J. L. Belyea, Bigge Drayage Co., and John MacLeod, copartners doing business as Belyea Truck Co., hold highway and city carrier permits. They are required to observe the provisions of Item No. 257 of Highway Carriers' Tariff No. 2 (state-wide rates for general commodities) and Item No. 85 of City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5 (Los Angeles drayage rates) that "rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated."

By this application, as amended, authority is sought to deviate from the above-stated requirements and to quote or assess transportation rates or charges on different bases. The particular traffic with which they are concerned consists of mining and contractors' equipment, boats, airplanes, and commodities which, by

¹ The application was filed by Belyea Truck Co., a corporation. Subsequently the permits were transferred to the copartnership and the application was amended accordingly.

reason of size or weight require special equipment or handling, including incidental materials, equipment or supplies transported as part of the same shipment.

Applicants state that a substantial portion of their operations is of a highly specialized nature conducted under conditions substantially different from those for which the minimum rates, rules and regulations are designed. Applicants further state that the character of the transportation in question is such that shippers require quotations and billing to be on an hourly or other basis differing from that provided by the minimum rates. The charges assessed, however, are not less than those which would be produced by the minimum rates. Applicants are willing to compute the charges on the minimum rates, and to attach such computations to their file copies of freight bills.

It appears that, in respect to units of measurement, the transportation conditions here involved differ from those surrounding traffic subject to the minimum rates generally. In the circumstances the application, as amended, should be granted. Because the conditions under which the service is performed may change at any time, the authority will be limited to a one-year period. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Eldred Northrup, J. L. Belyea, Bigge Drayage Co., and John MacLeod, copartners doing business as Belyea Truck Co., be and they are hereby authorized to quote or assess rates or accessorial charges based upon a unit of measurement different from that in which the minimum rates and charges in Highway Carriers' Tariff No. 2 and City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5 are stated; and that this authority

is restricted to mining and contractors' equipment, boats, airplanes, and commodities which, by reason of size or weight, require special equipment or handling, including incidental materials, equipment or supplies transported as part of the same shipment.

IT IS HEREBY FURTHER ORDERED that applicants shall retain and preserve copies of their freight bills, subject to the Commission's inspection, for a period of not less than three (3) years from the dates of issuance thereof; and that each such copy of their freight bills shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied and the full information necessary for accurate determination of the charges under the minimum rates.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire one (1) year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 27th day of May, 1952.

R. J. ...
President
Justice F. ...
Harold ...
... ..
... ..
Commissioners