

Decision No. 48102

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of DON H. HAWKEY, doing business)
as HAWKEY TRANSPORTATION, and)
EVELYN O. SIMMONDS, doing busi-)
ness as WEST BERKELEY EXPRESS)
AND DRAYING CO., to establish)
joint rates.)

Application No. 33854

OPINION AND ORDER

Applicants are highway common carriers of general commodities. Hawkey Transportation operates between San Francisco, South San Francisco and East Bay cities, on the one hand, and points beyond Redding, on the other hand. East of Redding its service extends to Alturas; west of Redding it extends to Eureka and other points in the vicinity of that city. West Berkeley Express and Draying Co. operates in the San Francisco Bay area. It serves, in addition to the cities served by Hawkey, points as far south as San Jose and as far north as Antioch. By this application, as amended, applicants seek authority to establish joint rates. Freight would be interchanged at Berkeley.

The rates proposed to be established are the same as the minimum rates named in Highway Carriers' Tariff No. 2, except that Eureka area rates (points between Trinidad and Scotia) are based on constructive mileage via Redding. Applicants seek authority to make the sought rates effective on five days' notice to the Commission and to the public. They also seek authority to depart from the long and short haul provisions of the Constitution and of the Public Utilities Code to the extent necessary to establish these rates.

Service over applicants' lines between the points involved is now subject to combinations of their local rates. These combination rates are higher than those proposed. Applicants represent

that at the San Francisco Bay area points served by both applicants it would be more economical for West Berkeley Express to perform the pickup and delivery service than for Hawkey and that at the points in that area which Hawkey is not authorized to serve it would be advantageous to the public to be able to make through shipments over applicants' lines under the proposed lower rates.

In justification of the sought departures from the long and short haul provisions, applicants state that Hawkey provides the only highway common carrier service to most of the points on his routes, that in order to continue and expand that service it is necessary that the common carrier operations be competitive with highway contract carrier service, that handling of the freight through Berkeley would involve only minor circuitry except in the case of Antioch and other points in that vicinity and that the additional mileage via Berkeley is not great in relation to the through distances involved.

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,

IT IS HEREBY ORDERED that applicants be and they are hereby authorized to establish the joint through highway common carrier rates proposed in the above-entitled application on not less than five (5) days' notice to the Commission and the public, 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.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire unless exercised within sixty (60) days after the effective date of this order.

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

Dated at San Francisco, California, this 22nd day of December, 1952.

R. F. [Signature]
President

Justin F. Cooney

Harold [Signature]

[Signature]
[Signature]
Commissioners