

**ORIGINAL**Decision No. 50873

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GARDNER P. POND, JR. )  
 for authority to depart from rates, ) Application No. 35112  
 rules and regulations of Highway )  
 Carriers' Tariff No. 2. )

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OPINION AND ORDER

Gardner P. Pond, Jr., holds highway carrier permits issued by this Commission. The application herein alleges that pursuant to contract applicant transports wooden utility poles for J. H. Baxter Co. from Long Beach, California, (a) in 30,000-pound truck-load lots to inventory yards of the Southern California Edison Company located in Los Angeles, Orange and San Bernardino Counties, and (b) in truck load and less-than-truck-load lots (such shipments to be rated as 20,000 pounds minimum) to points where utility poles are being installed or replaced. On these latter shipments applicant is required to make drops of individual poles at or near the locations where they are to be used.

Applicant is required to observe the provisions of Item 257 of Highway Carriers' Tariff No. 2 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." In the tariff the rates for transporting telephone poles are based

on the weight of the poles carried and the distance travelled. In addition, Highway Carriers' Tariff No. 2 provides that an additional charge shall be made and collected for each component of a split delivery shipment.

By the application herein applicant requests authority to assess and collect rates and charges by a method different from that established and prescribed in Highway Carriers' Tariff No. 2. He asks that (a) on the 30,000-pound truck-load shipments to the inventory yards he be permitted to assess charges on a per-pole basis according to the class and length of the individual pole, and (b) on shipments to field locations he be permitted to discontinue assessing and collecting split delivery charges as a separate factor. Applicant alleges that Southern California Edison Company orders its utility poles from J. H. Baxter Company by class number and length of poles; that J. H. Baxter Company is required to bill Southern California Edison Company on the same basis; that J. H. Baxter Company directs applicant to effect pickups and make deliveries by class, number and length of poles, and that in the absence of being able to establish a program of transportation charges consistently geared to the otherwise required accounting program of J. H. Baxter Company and Southern California Edison Company, the traffic referred to herein will be diverted to proprietary trucking.

#### Inventory Yard Shipments

These shipments weigh 30,000 pounds or more each, and move from the Long Beach, California, yard of J. H. Baxter

Company to the storage yards of the Edison Company in Southern California. The Commission's staff has reviewed the charges which would accrue from transportation under the proposed rates and has concluded that in each instance they are not less than those which would apply under the minimum rates.

Field Deliveries

Proposed field delivery rates for utility poles will be higher than those prescribed as minimum by this Commission. Applicant does not, however, propose to charge for split deliveries as prescribed in Highway Carriers' Tariff No. 2. In this connection he alleges that in the course of delivering utility poles at the spot locations he drops the pole at the curb as required; that two to three of such drops are made within a block; that the Edison Company's employees unload the poles; and that the average total delivery time for a load of split delivery shipments averages thirty minutes.

In effect, applicant's proposal with respect to the split delivery service is to assess charges which are not less than those provided in Item 175 Series of Highway Carriers' Tariff No. 2 for stringing pipe. Applicant points out that the service involved is clearly analogous to such service. A comparison of the proposed rates with those which would apply under the provisions of Item 175 Series of Highway Carriers' Tariff No. 2 shows that the charges under the proposal would be the same as or exceed those under the minimum rates.

The applicant is willing to compute the charges on the minimum rates and to attach such computations to his file copies of freight bills.

Upon the allegations of the application we find that there are special circumstances which justify departure by the applicant from certain provisions of Highway Carriers' Tariff No. 2, and that applicant's proposed rates are reasonable. A public hearing is not necessary.

Because the conditions under which the services in question are performed may change at any time, the authority will be limited to a one-year period.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Gardner P. Pond, Jr. be, and he hereby is, authorized to quote or assess rates or accessorial charges as set out in Appendix "A" of the application for inventory yard shipments, and as set out in Appendix "B" of the application for field deliveries.

IT IS HEREBY FURTHER ORDERED that applicant shall retain and preserve copies of his freight bills, subject to the Commission's inspection, for a period of not less than three years from the dates of issuance thereof, and that each copy 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 Order herein applies only to transportation and accessorial and incidental services performed by Gardner P. Pond, Jr. for J. H. Baxter Company, and is limited to utility poles delivered for J. H. Baxter Company to one of the Southern California Edison Company's inventory yards or to a Southern California Edison Company's job site.

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

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California,  
this 19<sup>th</sup> day of OCTOBER, 1954.

*John L. Mitchell*  
President

*Justin J. Adames*

*Herbert H. Fetter*

*James Piggins*

*Ralph L. Luterer*  
Commissioners