

ORIGINALDecision No. 51437

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
R. H. DAVIS, and F. J. DAVIS, a)	
partnership, doing business as)	
FRUITVALE DRAYAGE, for authority to)	
transport certain commodities under)	Application No. 36855
monthly vehicle unit rates between)	
Oakland, Alameda, Berkeley, El)	
Cerrito, San Pablo, Richmond, Albany,)	
Piedmont, Castro Valley, Hayward,)	
Haymont, San Lorenzo and Concord.)	

OPINION AND ORDER

R. H. Davis and F. J. Davis, a partnership doing business as Fruitvale Drayage, hold city and highway contract carrier permits. By Decision No. 50417 of August 17, 1954, in Application No. 35642, R. H. Davis, F. J. Davis and L. T. Pierce, a predecessor partnership, were authorized to deviate from the minimum rates in connection with the transportation of groceries and related items for the Louis Stores, a chain grocery company. The authorization permits the assessment of monthly unit rates which otherwise would be applicable only within the East Bay Drayage Area to transportation from the grocery company's warehouse in Alameda to its retail stores in Alameda, Albany, Berkeley, Castro Valley, Concord, El Cerrito, Emeryville, Haymont, Hayward, Oakland, Piedmont, Richmond, San Lorenzo and San Pablo.¹ By this application, as amended, the new partnership asks for similar authority to observe the monthly rates for a one-year period.

The application states that the conditions surrounding the transportation in question which have justified deviation from the minimum rates still obtain, and that the previously authorized rates may reasonably be expected to result in profitable operations under the newly formed partnership during the ensuing year.

¹ The East Bay Drayage Area consists of the cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont.

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable. This is a matter in which a public hearing is not deemed necessary. The application will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That R. H. Davis and F. J. Davis, a partnership, doing business as Fruitvale Drayage, be and they are hereby authorized to transport groceries and related items for Louis Stores at rates and charges which differ from those heretofore established as minimum but no lower than those set forth in Appendix "A" attached hereto and by this reference made a part hereof.

(2) That the authority herein granted shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the commission.

(3) That the authority granted to L. T. Pierce, R. H. Davis and F. J. Davis, a partnership, doing business as Fruitvale Drayage, by Decision No. 50417 in Application No. 35642, be and it is hereby canceled.

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

Dated at San Francisco, California, this 10th day of May, 1955.

President

Commissioner

Commissioner

Commissioner

Commissioners

APPENDIX "A" TO DECISION NO. 51177

Rates apply only for the transportation of groceries and related items for Louis Stores from its warehouse in Alameda to its retail stores in Alameda, Albany, Berkeley, Castro Valley, El Cerrito, Emeryville, Haymont, Hayward, Oakland, Piedmont, Richmond, San Lorenzo, San Pablo and Concord, and for the return movement of rejected shipments.

	Column 1	Column 2	Column 3
MONTHLY VEHICLE UNIT RATES including driver and all other operating expenses (Subject to NOTES 1 and 2.)			
10,500 pounds or less	719	890	16
Over 10,500 pounds and not over 20,000 pounds	839	1031	21
Over 20,000 pounds	951	1154	27

COLUMN 1 -- Rates per month in dollars per unit of carrier's equipment for service exclusive of service on Saturdays, Sundays and Holidays. When equipment is operated in excess of 1,050 miles per month, add rates shown in Column 3.

COLUMN 2 -- Rates per month in dollars per unit of carrier's equipment for service including service on Saturdays, Sundays and Holidays. When equipment is operated in excess of 1,250 miles per month, add rates shown in Column 3.

COLUMN 3 -- Rates in cents per mile to be added to the Column 1 and 2 rates when unit of carrier's equipment is operated in excess of the maximum mileage allowed thereunder.

NOTE 1 -- Rates named herein apply during regular working hours of 8:00 A.M. to 5:00 P.M. except Saturdays, Sundays and the following holidays: New Years Day, Washington's Birthday, Decoration Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day, and Christmas Day. When such holidays fall on Sunday the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than those hours and on Saturdays, Sundays or the holidays shown, an additional charge equal to the additional cost of overtime will be made. When carrier is required to provide additional labor, at point of origin or point of destination, for the handling of articles or packages which, because of their weight or bulk, cannot be handled by one man, an additional charge of \$3.32 per man per hour, minimum charge of \$3.32, shall be made.

NOTE 2 -- R. F. Davis and F. J. Davis, doing business as Fruitvale Drayage, shall issue, for each vehicle furnished, a shipping document containing a certification that during the period covered by the document the vehicle was operated only in transportation service for which rates are provided by this decision (or full explanation of other operations, with reference to shipping documents covering), showing rates and charges assessed and containing all such information respecting each of the factors entering into the computation of the charges as may be necessary to verify the lawfulness of the charges assessed. R. F. Davis and F. J. Davis, doing business as Fruitvale Drayage, shall retain and preserve a copy of such shipping document, subject to the Commission's inspection, for a period of not less than three years from the date of its issuance.

(End of Appendix "A")