

Decision No. 51591

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
G. I. TRUCKING COMPANY, for permission)	
to perform transportation and)	
accessorial services at a rate lesser)	Application No. 36958
than the minimum established rate con-)	
tained in City Tariff No. 4, Highway)	
No. 5, Item No. 430-H.)	

OPINION AND ORDER

Applicant holds highway contract and city carrier permits. It proposes to transport, with three custom-built van-type trucks, general freight under contract for the Broadway Department Stores, Inc., between the store's central warehouse and its various retail stores in Los Angeles and neighboring communities. By this application it seeks authority to deviate from the established minimum rates, under Sections 3666 and 4015 of the Public Utilities Code, by assessing the monthly rate of \$787.00 set forth in Item No. 430-H of Minimum Rate Tariff No. 5 for one truck and driver and a monthly rate of \$256.37 for each of two additional trucks furnished without drivers.

Applicant states that the proposed transportation services are performed in connection with other transportation for the Broadway Department Stores; that specially-built trucks are needed to accommodate the elevator facilities, sub-basement and limited loading facilities; and that the trucks can be procured at a cost which does not exceed that of normal equipment. Applicant also states that only one truck will be in motion at any time as the other two trucks will be parked at shipper's terminal, either for loading or unloading, and that services of more than one driver will not be required at any one time.

Interested parties have been notified of the filing of this application. No objection to its being granted has been received.

Upon consideration of all the circumstances herein involved the Commission concludes and finds as a fact that the proposed charges are reasonable and consistent with the public interest. This is a matter in which a public hearing is not necessary. The application will be granted.

The special rate authority herein sought and granted is not applicable to common carrier services.¹ Applicant holds a permit as a radial highway common carrier as well as a contract carrier. In addition, applicant has filed Application No. 36282 seeking a certificate of public convenience and necessity to operate as a highway common carrier in southern California. Section 3542 of the Public Utilities Code forbids carriers to operate both as a common carrier and as a highway contract carrier of the same commodities between the same points. The authority hereinafter granted will contain necessary restrictions to avoid conflict with the statutory prohibitions. Because the conditions which justify the granting of the sought authority may change, the authority will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That G. I. Trucking Company be and it is hereby authorized, on transportation performed for Broadway Department Stores, Inc., between points in Los Angeles and Orange Counties, to assess a rate less than the applicable minimum rate set forth in Minimum Rate

¹ Section 3666 of the Public Utilities Code reads as follows:

"If any highway carrier other than a common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate."

Tariff No. 5, but not less than \$256.37 each per month for the services of two additional trucks without the use of drivers when used in connection with one truck and driver for which charges are assessed pursuant to Item No. 430-H of Minimum Rate Tariff No. 5, for weights of over 5,000 but not over 8,000 pounds, and subject in all other respects to the provisions of that item.

(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 any transportation performed by applicant as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

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

Dated at San Francisco, California, this 21st day of June, 1955.

John E. Mitchell
President
Justus F. Cresmer
Paul L. Winter
William H. Cook
R. V. Hurd
Commissioners