

Decision No. 51668

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Dan Keeney for authority, under
Section 3666 of Highway Carriers'
Act and under Section 4015 of City
Carriers' Act, to charge other than
minimum rates on Grain, Grain Prod-
ucts and other articles transported
for General Mills, Inc.)

) Application No. 34534
) (Second Supplemental)

SECOND SUPPLEMENTAL OPINION AND ORDER

Applicant transports property for General Mills, Inc., Sperry Division, between points in southern California. He has been authorized to observe monthly vehicle unit rates in lieu of the minimum rates stated in cents per 100 pounds otherwise applicable to this transportation. The authority is scheduled to expire July 31, 1955. Extension of the authority for a further one-year period is now sought. Applicant proposes to charge increased monthly rates which he is now assessing under an agreement with the shipper.

The supplemental application states that, except for increased operating costs, the conditions which justified deviation from the minimum rates still obtain. It also shows that the higher costs have been offset by the increases made in the monthly rates and that operations under these rates have been profitable.

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable and consistent with the public interest. This is a matter in which a public hearing is not necessary. The supplemental application will be granted. To prevent a lapse of applicant's authority, the order will be made effective July 31, 1955. 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. 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.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That Decision No. 47484 of July 15, 1952, as amended, be and it is hereby further amended by substituting for the rate provisions of Item No. 15 of Appendix "A" attached thereto the following:

<u>Maximum Load In Pounds</u>	<u>Vehicle Unit Charge per Calendar Month (a)</u>	<u>Excess Mileage Charge (b)</u>
Over 12,000 but not over 20,000	755	20
Over 20,000	985	32

(a) Rates in dollars per unit.

(b) Rates in cents per mile to be applied to the mileage, if any, by which the aggregate mileage of all vehicle units subject to the same vehicle unit charge exceeds 1,250 miles multiplied by the number of said vehicle units.

(2) That the expiration date of the authority granted by said Decision No. 47484, as further amended herein, be and it is hereby extended to July 31, 1956, unless sooner changed or further extended by order of the Commission.

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."

(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 July 31, 1955.

Dated at San Francisco, California, this 17th day of July, 1955.

Justin J. Craven
President
Paul L. Luteser
Michael K. Koller
R. Hardy

Commissioners