

ORIGINALDecision No. 51707

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC FREIGHT LINES,
 a corporation, to cancel joint rates) Application No. 36850
 with VALLEY EXPRESS CO.)

Wyman C. Knapp, for Pacific Freight Lines,
 applicant.

Laird M. Hail, for Southern California Freight
 Lines and Southern California Freight
 Forwarders, interested parties.

J. C. Kaspar and R. D. Boynton, for California
 Trucking Associations, Inc., interested
 party.

OPINION AND ORDER

By this application Pacific Freight Lines, a highway common carrier, seeks authority to cancel joint rates which it maintains with Valley Express Co., an express corporation.

The rates are published in Local and Joint Express Tariff No. 9-B, Cal. P.U.C. No. 9, of Valley Express Co. They apply from or to a total of 29 points of origin and destination which, generally speaking, are located in the San Joaquin Valley between Devils Den and McKittrick and in the area between Long Beach, Santa Ana and San Onofre. Pacific Freight Lines is a party to the rates pursuant to concurrences which it has on file with the Commission and with the Valley Express Co.

Applicant states that the rates were established in 1941 but that in the interval since it has not had occasion to assess them. It states that it is an underlying carrier for, as well as a connecting carrier with, Valley Express Co. and that its transportation of shipments which might have moved at the joint rates

has been performed as an underlying carrier on behalf of Valley Express Co.¹ It asserts that cancellation of the joint rates will not in any way change the level of the rates and charges being paid by the shipping public for the movement of shipments to and from the aforesaid points and that it will not affect the service.²

Public hearing of this application was held before Examiner C. S. Abernathy at Los Angeles on May 6, 1955. No one appeared in opposition to granting of the sought authority.³

The record shows that copy of the application was served upon Valley Express Co.

Applicant's purpose herein is to bring about cancellation of tariff provisions which are not being used. Inasmuch as it appears that neither the present rates and charges nor the service would be affected by cancellation of the joint rates, it is concluded, and the Commission so finds, that cancellation of the rates is justified. In order that there may be no doubt as to the results that will obtain in so far as the shipping public is concerned, the exercise of the authority herein granted will be conditioned upon

1

In view of the manner in which the shipments were transported, it appears that they would be subject to the local rates, rules and regulations of Valley Express Co. instead of the joint provisions involved herein.

2

Although this record does not specifically state, the rates which have been assessed in the past for the local service of Valley Express Co. apparently have been the same as those which have been maintained for the joint service.

3

Heard on the same record were Applications Nos. 36846 and 36849 involving proposals of Pacific Freight Lines Express to cancel joint rates with Southern California Freight Forwarders and of Pacific Freight Lines to cancel joint rates with California Motor Express, Ltd.

clarification of present tariff provisions governing the service of Valley Express Co. so as to show unequivocally that transportation to or from the points involved herein is subject to local rates of the same volume and effect as the joint rates.

As has been indicated hereinbefore, the joint rates were established pursuant to filings by Pacific Freight Lines of concurrences in the rates of Valley Express Co. In its Tariff Circular No. 2 the Commission has promulgated rules governing the procedure to be followed in the cancellation of joint rates through the revocation of concurrences which have been filed in connection with rates of express corporations. Applicant will be authorized to follow the procedure prescribed.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Pacific Freight Lines be and it is hereby authorized to withdraw its participation in the rates, rules and regulations of Valley Express Co. which are set forth in Valley Express Co. Local and Joint Express Tariff No. 9-B, Cal. P.U.C. No. 9, by revoking its concurrences in said rates, rules and regulations upon sixty days' notice to the Commission and to Valley Express Co. in conformity with the procedure prescribed in the Commission's Tariff Circular No. 2.

IT IS HEREBY FURTHER ORDERED that the authority herein granted may not be made effective until local rates of the same volume and effect as the joint rates in issue herein have been established by Valley Express Co. by amendment to the extent necessary of its rates, rules and regulations as set forth in its Local and Joint Express Tariff No. 9-B, Cal. P.U.C. No. 9.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire one hundred and twenty days after the date hereof.

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

Dated at Los Angeles, California, this 18th day of July, 1955.

Justin J. Gallivan
 President

Ray J. Osterman

By Harry J. ...

Marking ...

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.