

Decision No. 51708**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC FREIGHT LINES,  
 a corporation, to cancel joint rates )  
 with CALIFORNIA MOTOR EXPRESS, LTD. )

Application No. 36849

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

In this proceeding Pacific Freight Lines, a highway common carrier, seeks authority to cancel joint rates which it maintains with California Motor Express, Ltd., an express corporation. It alleges that traffic is not moving in the joint service for which the rates were established and that in the circumstances no public need or interest exists for continuance of the rates.

The joint rates are contained in Tariff No. 14A, Cal. P.U.C. No. 1, published by James C. Coughlin, tariff agent for California Motor Express, Ltd. Pacific Freight Lines is a party to the rates pursuant to concurrences which it has on file with the Commission and with the express company. The rates apply from and to more than 100 points of origin in Southern California. According to the application in this matter, they were established in 1941 to make available joint service for traffic moving between points served by the express company and points located on routes of Pacific Freight Lines.<sup>1</sup> Since that time California Motor Express, Ltd., has

<sup>1</sup> It appears that in 1941 the express company's operations were conducted principally between Los Angeles, San Francisco and intermediate points and that those of Pacific Freight Lines were largely between points in Southern California south of San Luis Obispo.

extended its local service to include the latter points. Applicant states that as a consequence no traffic has moved in the joint service since June 30, 1952.

Public hearing of the 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.<sup>2</sup>

The record shows that copy of this application was served upon California Motor Express, Ltd.

It appears that cancellation of the joint rates as applicant proposes would not affect the volume of the charges being paid nor the service being used by the public for transportation to and from the points involved. The express company maintains the same rates for its local service to and from said points as those which it maintains for its joint service with applicant. Inasmuch as the public is not now using the joint service, and has not used it for almost three years, it appears that the public is finding its transportation requirements adequately met by other services available to it and that there is no need for continuation of the joint rates and service. In the circumstances cancellation of the joint rates is justified.

As has been indicated hereinbefore, the joint rates were established pursuant to filings by Pacific Freight Lines of concurrences in the rates of California Motor Express, Ltd. In its Tariff Circular No. 2, the Commission has promulgated regulations 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.

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<sup>2</sup> Heard on the same record were Applications Nos. 36846 and 36850 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 Valley Express Co.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Pacific Freight Lines be and it hereby is authorized to withdraw its participation in the rates; rules and regulations of California Motor Express, Ltd., which are set forth in Tariff No. 14A, Cal. P.U.C. No. 1; of James C. Coughlin, Agent, by revoking its concurrences in said rates, rules and regulations upon sixty days' notice to the Commission and to California Motor Express, Ltd.; in conformity with the procedure prescribed in the Commission's Tariff Circular No. 2:

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 D. Cullen  
President  
R. J. [unclear]  
William J. [unclear]  
P. [unclear]  
Commissioners

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