

ORIGINAL

Decision No. 51865

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
EARL L. WILSON, GERTRUDE E. WILSON,)	
WILLIAM J. WILSON, and MADOLINE L.)	
WILSON, copartners doing business)	
under the firm name and style of)	
PONY EXPRESS FAST FREIGHT to charge)	Application No. 37146
less than the minimum rates estab-)	
lished by the California Public)	
Utilities Commission as authorized)	
in Section 3666 of the Public Utili-)	
ties Code of the State of California.)	

OPINION AND ORDER

Applicants hold a highway contract carrier permit. They transport automobile parts and accessories under contract for the General Motors Corporation, General Motors Parts Division, from the warehouse in Van Nuys to the various General Motors dealers throughout southern California. By this application they seek authority under Section 3666 of the Public Utilities Code to deviate from the established minimum rates by observing a second-class rating on all automobile parts and accessories in lieu of the actual classification on each article. The rates applicants would observe are those set forth in Minimum Rate Tariff No. 2.

According to the application, an analysis of the shipments made by applicants for the month of February, 1955, indicates that they would have received greater revenue under the proposed second-class rating than they received by observing the actual classification ratings. Applicants further state that important economies would be effected by both applicants and shipper under the proposed deviation in that time consumed in rating and billing would be greatly reduced.

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 charges which would result from applicants' proposal are reasonable. 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 Applicants hold a radial highway common carrier permit as well as the highway contract carrier permit. 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 Earl L. Wilson, Gertrude E. Wilson, William J. Wilson and Madoline L. Wilson, copartners, doing business under the firm name and style of Pony Express Fast Freight, be and they are

¹Section 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."

hereby authorized to assess second-class ratings in lieu of the classification ratings otherwise applicable, at rates not less than those set forth in Minimum Rate Tariff No. 2, for the transportation of automobile parts and accessories from the General Motors Corporation, General Motors Parts Division warehouse in Van Nuys to points in southern California.

(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 applicants 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 23rd day of August, 1955.

John E. Hill
 President

Justin J. Calmes

Marshall D. Cook

B. H. Hardy

Commissioners