

Decision No. 51891

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ROBERTSON DRAYAGE CO., INC., a corporation, for authority to depart from the rates, rules and regulations of City Carriers' Tariff No. 1-A, under the provisions of the City Carriers' Act and from the rates, rules and regulations of Minimum Rate Tariff No. 2 (formerly Highway Carriers' Tariff No. 2), under the provisions of the Highway Carriers' Act.

Application No. 29587
(Eighth Supplemental)

EIGHTH SUPPLEMENTAL OPINION AND ORDER

Prior orders in this proceeding have authorized applicant to deviate from the established minimum rates in connection with the specialized transportation services it performs for Sears, Roebuck and Company between that company's warehouses and retail stores in San Francisco and Emeryville and from its retail stores to customers within 35 miles of San Francisco. The authority is scheduled to expire September 16, 1955. Permission is sought to continue to deviate from the minimum rates for a further one-year period. Applicant proposes, however, to increase certain of the authorized rates and to make such other adjustments as may be warranted by increases that may be made in the minimum rates in the San Francisco Drayage area.

The supplemental application states that, except for increased labor costs, the conditions which justified deviation from the minimum rates still obtain. Applicant alleges that the proposed rates are reasonable as interim rates.

Applicant's showing is not in sufficient detail to permit determination of the reasonableness of the sought rates under existing conditions. Moreover, it has come to the Commission's attention that the applicant corporation herein may be the alter ego of Highway Transport, Inc., a highway common carrier, or Highway Transport Express, Inc., an express corporation, which latter companies transport general commodities between many of the points involved in this application.¹ In view of these circumstances, it does not appear that the modifications and extension of the authority should be granted for the full period sought without further investigation. Meanwhile, the authority on the proposed modified basis will be extended for a ninety-day period. To prevent a lapse of applicant's authority, the order will be made effective September 16, 1955.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Appendix "A-1" of Decision No. 50520 of September 14, 1954, in this proceeding, be and it is hereby amended by substituting for Page 3 thereof First Revised Page 3, attached hereto and by this reference made a part hereof.

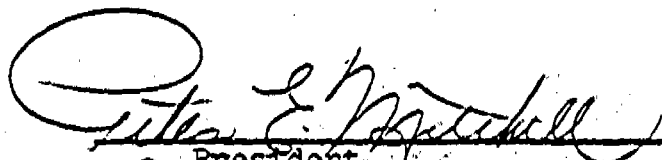
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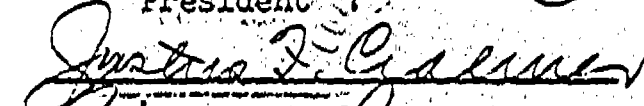
Section 3542 of the Public Utilities Code reads as follows: "No person or corporation shall engage or be permitted by the commission to engage in the transportation of property on any public highway, both as a common carrier and as a highway contract carrier of the same commodities between the same points." By Decision No. 51619 of June 28, 1955, in Application No. 35927, the Commission found that Direct Delivery System, Ltd., a highway contract carrier, and Southern California Freight Lines, a highway common carrier, were the alter ego of each other. That decision denied authority sought by Direct Delivery System, Ltd., to assess rates less than the minimum rates because the granting of such an authority would be in violation of Section 3542.


IT IS HEREBY FURTHER ORDERED that the expiration date of the authority granted by said Decision No. 50520, as amended herein, be and it is hereby extended to December 15, 1955, unless sooner changed or further extended by order of the Commission.

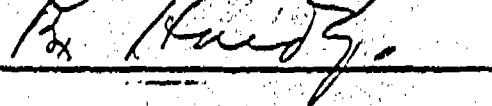
This order shall become effective on September 16, 1955.

Dated at San Francisco, California, this 30th day of August, 1955.



President






Commissioners

DELUXE DELIVERY SERVICE

1. The rate for the delivery of shipments in deluxe delivery service will be \$2.00 per 100 pounds to all points within the delivery zone. To points outside of the delivery zone, namely:

Atherton	Menlo Park	Palo Alto
Woodside	Portola	Alviso
Los Altos	Mayfield	Mountain View
Sunnyvale	Agnew	Moffett Field

the rate will be \$2.50 per 100 pounds, subject to the following minimum charges:

Weight of Shipment

25 lbs. or less	\$.74
Over 25 but not over 45 lbs.	.84
Over 45 but not over 59 lbs.	1.15
Over 59 but not over 100 lbs.	2.00

2. A flat charge of \$2.00 is to be charged when pickup has been ordered but not completed for reasons other than the carrier's inability to make such pickup.
3. \$8.80 per hour is to be charged for all time spent outside of the delivery zone. Out-of-zone time shall be computed on the basis of actual elapsed time, exclusive of delivery time between departure from and return to extreme delivery limits. Irregularity reports will be created by the delivery driver which must show times of departure from and return to extreme delivery limits plus elapsed time necessary to perform actual delivery.
4. \$6.15 will be charged for truck with driver, or \$8.80 will be charged per hour for truck, driver, and helper, when extra trucks are used for making deliveries on other than scheduled runs. Such trucks will not exceed capacity in pounds of 15,500 pounds.
5. The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be computed in accordance with the provisions of Item No. 110 Series of City Carriers' Tariff No. 1-A and Item No. 180 Series of Highway Carriers' Tariff No. 2.
6. Rates include second or third attempt delivery.
7. Lawn swings - setting up charge will be \$3.64.
8. Deep freezers - \$3.07 per 100 pounds, sizes measuring 14 cu. ft. and over. Others of less cubic foot capacity, the deluxe delivery rate specified above.
9. Points of pickup: Sears, Roebuck & Company warehouses, San Francisco and Emeryville.