

Decision No. 51925

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of ALMA MAE MARSH for an extension  
of an order exempting applicant  
from the operation of Highway  
Tariff No. 2. }

Application No. 37220

OPINION AND ORDER

Alma Mae Marsh, doing business as Felix Marsh Transfer, holds a highway contract carrier permit. By prior orders she was authorized to assess rates and charges based upon units of measurement different from those in which the minimum rates were stated in Highway Carriers' Tariff No. 2 (now Minimum Rate Tariff No. 2), in connection with the transportation of equipment and supplies for Pacific Telephone and Telegraph Company.<sup>1</sup> The authority expired August 10, 1954. Applicant now seeks its reinstatement for a three-year period.

Applicant alleges that the highly specialized nature of the traffic she handles and the requirements of her shipper still exist. She asserts that the prior authorization allowed her to meet the shipper's requirements with respect to bases of charges and that the need for relief from the unit of measurement provisions is the same as it was when that authorization was previously granted. She declares that in the aggregate the charges assessed under the proposed rates will not be less than those which would be produced by the rates in Tariff No. 2.

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<sup>1</sup> The rates applicant was authorized to assess were the rates per hour or per piece named in City Carriers' Tariff No. 3-A - Highway Carriers' Tariff No. 4-A (used household goods) (now Minimum Rate Tariff No. 4-A).

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable. This is a matter in which a public hearing is not necessary. The application will be granted. However, because the conditions under which the service in question is performed may change at any time, the reinstatement will be limited to a one-year period. The special rate authority herein sought and granted is not applicable to common carrier services.<sup>2</sup> Applicant holds 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.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That Alma Mae Marsh, doing business as Felix Marsh Transfer, be and she is hereby authorized to quote and/or assess rates and charges in the units of measurement used in Items Nos. 400-D and 410-A of Minimum Rate Tariff No. 4-A and no lower than the rates and charges named in those items, in lieu of rates and charges in the units of measurement and conforming with the minimum bases set forth in Minimum Rate Tariff No. 2; and that this authority is restricted to the transportation of equipment and supplies for Pacific Telephone and Telegraph Company.

(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.

<sup>2</sup>

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.

(4) That in all other respects Application No. 37220 of Alma Mae Marsh, doing business as Felix Marsh Transfer, be and it is hereby denied.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 6<sup>th</sup> day of September, 1955.

John E. Mitchell  
President  
Justin J. Casares  
R. H. Hardy  
Commissioners