

ORIGINAL

Decision No. 51926

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of J. A. CLARK DRAYING COMPANY,)
LTD., a corporation, for authority)
to depart from the rates, rules)
and regulations of Highway)
Carriers' Tariff No. 2 under the)
provisions of the Highway Carriers')
Act.)

Application No. 30451
(Sixth Supplemental)

SIXTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds a highway contract carrier permit. It transports aluminum, iron and steel articles for United States Steel Supply Company between the shipper's warehouse in the City of Vernon and points in southern California. Prior orders in this proceeding have authorized it, under Section 3666 of the Public Utilities Code, to deviate from the minimum rates otherwise applicable to this transportation. In place of rates based on the weight of the freight shipped, applicant is authorized to observe monthly rates for the equipment used in furnishing the service. This authority is scheduled to expire September 12, 1955. The rates presently authorized are the same as the monthly Los Angeles Drayage Area rates. Permission is sought to continue to deviate from the minimum rates for a further one-year period. Applicant proposes, however, that the authorized rates be raised in conformity with any increase which may be made in the drayage rates.¹

The supplemental application states that, except for increased operating costs, the conditions which justified deviation from the minimum rates still obtain. Applicant asserts that

¹ By Decision No. 51868 of August 23, 1955, in Case No. 5435 (Pet. No. 8), the monthly rates in Minimum Rate Tariff No. 5 were increased effective September 20, 1955.

the higher operating costs will be offset by the increase that will be made in the rates and that operations under those rates may reasonably be expected to be profitable during the ensuing year.

Interested parties have been notified of the filing of the supplemental application. No objection has been received to its being granted.

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 supplemental application will be granted. To prevent a lapse of applicant's authority, the order will be made effective September 12, 1955. The special rate authority herein sought and granted is not applicable to common carrier services.² Applicant operates as a highway common carrier of general commodities between Los Angeles (including Vernon) and the Los Angeles Harbor. It also 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 that Decision No. 43241 of August 23, 1949, as amended, in this proceeding, be and it is hereby further amended by substituting the rates named in Item

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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."

No. 430-H of Minimum Rate Tariff No. 5, until September 20, 1955, and the rates named in Item No. 430-I of Minimum Rate Tariff No. 5, on and after September 20, 1955, for those shown on page 2 of Appendix "A" attached to said Decision No. 43241; and that the expiration date of the authority granted by said Decision No. 43241, as further amended herein, be and it is hereby extended to September 12, 1956, unless sooner changed or further extended by order of the Commission.

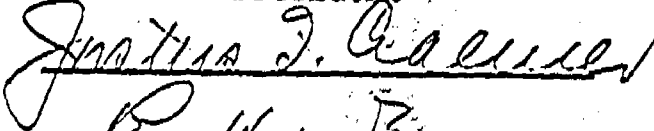
IT IS HEREBY FURTHER ORDERED that any transportation performed by applicant as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

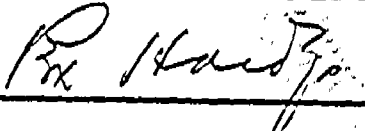
This order shall become effective September 12, 1955.

Dated at San Francisco, California, this 6th day of September, 1955.



President





Commissioners