

Decision No. 51928

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of LAMB TRANSPORTATION COMPANY, a  
corporation, for authority to  
transport ground talc in bulk from  
Los Angeles to Kaiser, California,  
at less than the established  
minimum rates. )

) Application No. 35273  
) (First and Second  
) Supplemental)

SECOND SUPPLEMENTAL OPINION AND ORDER

Lamb Transportation Company, a corporation, holds a highway contract carrier permit. Decision No. 51513 of May 31, 1955, in this proceeding, granted applicant a ninety-day extension of its authority to observe a rate less than the minimum rate otherwise applicable for the transportation of ground talc in bulk for the American Mineral Company from Los Angeles to Kaiser. This extension was granted on the limited basis pending further investigation. The authority expired August 29, 1955.

Subsequently, by filing of the second supplemental application, the corporation seeks continuance of the authority. It proposes to increase the authorized rate from 12½ cents per 100 pounds, 44,000 pounds minimum weight per load, to 13 cents per 100 pounds, 48,000 pounds minimum weight per load.

The supplemental application states that, except for increased operating costs, the conditions which justified deviation from the minimum rate still obtain. It also shows that the proposed increase in the authorized rate and minimum weight per load will offset the higher operating costs and that the operations under the sought rate may reasonably be expected to be profitable during the ensuing year.

In the circumstances it appears, and the Commission finds, that the proposed rate is reasonable. This is a matter in which a public hearing is not necessary. The extension sought with the modification proposed will be granted. This special rate authority is not applicable to common carrier services.<sup>1</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.

Because the conditions under which the service is performed may change at any time, the extension will be limited to a one-year period. So that applicant's authority will not be inoperative for an appreciable length of time the order will be made effective immediately.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That Lamb Transportation Company, a corporation, be and it is hereby authorized to assess a rate less than the applicable minimum rate but not less than 13 cents per 100 pounds, minimum weight 48,000 pounds per load, for the transportation of ground talc in bulk for the American Mineral Company from Los Angeles to Kaiser.

---

<sup>1</sup> Section 3666 of the Public Utilities Code reads as follows:

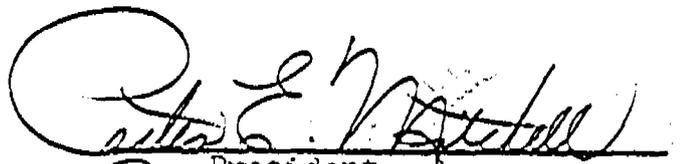
"If any highway carrier other than a common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate."

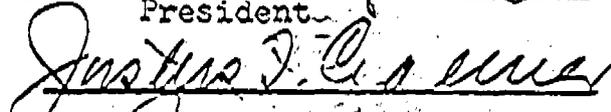
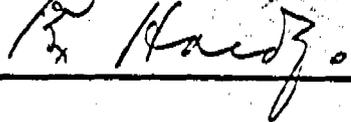
(2) That any transportation performed by applicant as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

(3) 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.

This order shall become effective on the date hereof.

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

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
Commissioners