

Decision No. 52017

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SIGNAL TRUCKING SERVICE, LTD.,)
a corporation, for authority to)
depart from the rates, rules and)
regulations of Minimum Rate Tariff)
No. 5 (formerly City Carriers')
Tariff No. 4, Highway Carriers')
Tariff No. 5) and Minimum Rate Tariff)
No. 2 (formerly Highway Carriers')
Tariff No. 2) under the provisions)
of the City Carriers' Act and of the)
Highway Carriers' Act.)

Application No. 31459
(Sixth Supplemental)

SUPPLEMENTAL OPINION AND ORDER

Applicant holds a city carrier and a highway contract carrier permit. It performs transportation and accessorial services for The Procter & Gamble Distributing Company from the shipper's factory and warehouses in southern California to its customers in southern and central California. By prior orders in this proceeding it was authorized to deviate from the requirements of outstanding minimum rate orders, under Sections 3666 and 4015 of the Public Utilities Code, insofar as shipping documents and accessorial charges were concerned. The authority is scheduled to expire October 25, 1955. Permission is sought to continue to deviate from the minimum rates for a further one-year period. Applicant proposes, however, to apply a five percent surcharge to the authorized rate of 21 cents per 100 pounds for split delivery shipments. It also proposes to eliminate the rate for stenciling from the authority as the shipper is now performing that service itself.

The supplemental application states that the conditions which justified deviation from the minimum rates still obtain. It also shows that the proposed increase in the authorized rate

corresponds with the increase which was recently granted in the minimum rates. Applicant declares that operations under the proposed rate may reasonably be expected to be profitable during the ensuing year.

In the circumstances it appears, and the Commission finds, that the proposed bases of charges are reasonable and consistent with the public interest. This is a matter in which a public hearing is not deemed necessary. The supplemental application will be granted. The special rate authority herein sought and granted is not applicable to common carrier services. Applicant holds a radial highway common carrier permit as well as the contract and city carrier permits. 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 Appendix "A" to Decision No. 44602 of August 1, 1950, as amended, in this proceeding, be and it is hereby further amended by substituting in Item 2 thereof "21 cents per 100 pounds, subject to a five percent surcharge," for "21 cents" and by eliminating Item 4 therefrom;

(2) That the aforesaid authority as so amended be and it is hereby further extended to October 25, 1956, unless sooner changed or further extended by order of the Commission;

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.

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

Dated at San Francisco, California, this 4th day of October, 1955.

John E. Mitchell
President
James J. Cooney
Ronald W. Kerner
William D. Deady
W. Hardy
Commissioners