

Decision No. 52144

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
FARNSWORTH AND RUGGLES, a corporation,)
for authority to depart from the rates,) Application No. 33329
rules, and regulations of Minimum Rate) (Third Supplemental)
Tariff No. 2 (formerly Highway Carriers'))
Tariff No. 2), under the provisions of)
the Highway Carriers' Act.)

FOURTH SUPPLEMENTAL OPINION AND ORDER

Applicant transports iron and steel materials and related articles for Gilmore Steel and Supply Co., Inc., and for two of its affiliates as a city and highway contract carrier. This service is provided within San Francisco and between San Francisco and points within a 150-mile radius of that city. Prior orders in this proceeding have authorized applicant to deviate from the minimum rates, under Sections 3666 and 4015 of the Public Utilities Code, by applying monthly vehicle unit rates, ordinarily restricted to drayage operations, to both the intracity and intercity service. The authority is scheduled to expire October 27, 1955. Permission is sought to continue to deviate from the minimum rates, with certain modifications, for a further one-year period.

The supplemental application shows that the conditions surrounding the transportation in question which justified deviation from the minimum rates still obtain. It also shows that the proposed rates are reasonable 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.

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable and consistent with the public interest. 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 October 27, 1955. The special rate authority herein sought and granted is not applicable to common carrier services.¹ Applicant holds a radial highway common carrier permit as well as the contract and city carrier permits.² 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. 47802 of October 7, 1952, as amended, in this proceeding, be and it is hereby further amended by substituting the following rates for those shown in that appendix, as amended:

<u>Capacity of Carrier's Equipment In Pounds</u>	<u>Column 1</u>	<u>Column 2</u>
4,500 and under	685	14
Over 4,500 but not over 10,500	800	17
Over 10,500	900	20
Tractors and Semi-Trailer	1005	23

¹ 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 By Decision No. 51044, dated January 25, 1955, in Application No. 35051, applicant was authorized to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of general commodities between all points in the San Francisco-East Bay Cartage Zone, as defined in Appendix A of said decision. Applicant, however, has not yet accepted the certificate thus granted. The time within which it may do so has been extended to November 1, 1955.


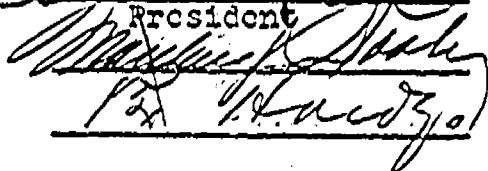
(2) That the expiration date of the authority granted by said Decision No. 47802, as further amended herein, be and it is hereby extended to October 27, 1956, unless sooner changed or further extended by order of the Commission.

(3) That during the period that the authority herein granted is in effect the aforesaid applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier, and that any such transportation which applicant may perform in violation of these provisions shall be cause for revocation of the authority herein granted.

(4) That; if, during the period that the authority herein granted is in effect, the aforesaid applicant should accept the certificate of public convenience and necessity granted to it by Decision No. 51044, dated January 25, 1955, in Application No. 35051, the authority herein granted shall be restricted so as to exclude its application between points embraced by said certificate; said restriction to be effective as of the effective date of the rates filed pursuant to the acceptance of said certificate.

This order shall become effective October 27, 1955.

Dated at San Francisco, California, this 25th day of October, 1955.


President


Commissioners