

Decision No. 52156

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
EARL L. WILSON, GERTRUDE E. WILSON,)
WILLIAM J. WILSON, and MADOLINE L.)
WILSON, copartners, doing business)
under the firm name and style of)
PONY EXPRESS FAST FREIGHT, to charge)
less than the minimum rates estab-)
lished by the California Public)
Utilities Commission as authorized)
in Section 3666 of the Public)
Utilities Code of the State of)
California.)

Application No. 37363

OPINION AND ORDER

Applicants hold a highway contract carrier permit. They transport automobile parts and accessories under contract for the General Motors Corporation, United Motors Service Division, from a warehouse in Vernon to various dealers throughout southern California. By this application they seek authority under Section 3666 of the Public Utilities Code to deviate from the established minimum rates by observing a second-class rating on all automobile parts and accessories in lieu of the actual classification on each article. In other respects the rates applicants would observe are those set forth in Minimum Rate Tariff No. 2.

According to the application, an analysis made by applicants of shipments during the month of February, 1955, indicates that they would have received greater revenue under the proposed second-class rating than they received by observing the actual classification ratings. Applicants further state that important economies would be effected by applicants and shipper under the proposed deviation in that time consumed in rating and billing would be greatly reduced.

Other carriers have been notified of the filing of this application. No objection to its being granted has been received.

Upon consideration of all the circumstances herein involved, the Commission concludes and finds as a fact that the charges which would result from applicants' proposal are reasonable. This is a matter in which a public hearing is not necessary. The application will be granted.

The special rate authority herein sought and granted is not applicable to common carrier services.¹ Applicants hold 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 which justify the granting of the sought authority may change, the authority will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That Earl L. Wilson, Gertrude E. Wilson, William J. Wilson and Madoline L. Wilson, copartners, doing business under the firm name and style of Pony Express Fast Freight, be and they are hereby authorized to assess second-class ratings in lieu of the classification ratings otherwise applicable, at rates not less than those set forth in Minimum Rate Tariff No. 2, for the transportation

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."

of automobile parts and accessories from the General Motors Corporation, United Motors Service Division warehouse in Vernon to points in southern California.

(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.

(3) That any transportation performed by applicants 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 12th day of November, 1955.

W. E. Baskill
President

Paul H. Terence

William A. Spahn

P. H. Hardy

Commissioners