ORIGINAL

Decision No. <u>52200</u>

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of GRIFALL BROS. TRUCKING COMPANY, a corporation, for an order authorizing departure from the rates, rules and regulations of Minimum Rate Tariff No. 2, under the provisions of Section 3666 of the Public Utilities Code.

Application No. 35701 (1st Supplemental)

FIRST SUPPLEMENTAL OPINION AND ORDER

Grifall Bros. Trucking Company, a corporation, holds a highway contract carrier permit. By Decision No. 50740 of November 3, 1954, in this proceeding, a predecessor partnership was authorized, under Section 3666 of the Public Utilities Code, to deviate from the minimum rates otherwise applicable to transportation of iron and steel articles and materials for Westates Steel Co. In lieu of rates based on the weight of the freight shipped, the authority allows the use of monthly rates for the equipment used in furnishing the service from the steel company's plant at Santa Clara to points in the counties of Santa Clara, San Mateo and Alameda. This authority is scheduled to expire November 13, 1955.

By this supplemental application, the corporation seeks an extension of the authority, with an increase in the rates to the level of those recently established as minimum for application within and between East Bay cities. The supplemental application states that, except for increased operating costs, the conditions which

The rates originally authorized in the instant proceeding were the same as the minimum monthly vehicle unit rates then specified in City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A which contains minimum rates for the transportation of general commodities within and between the cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont. By Decision No. 52020 of October 4, 1955, in Case No. 5441 (Pet. No. 17), the monthly rates in this tariff were increased effective November 1, 1955.

justified deviation from the minimum rates still obtain. It shows that operations under the authorized bases of rates have been compensatory, and alleges that the proposed increased rates should permit applicant to enjoy favorable operating results for the ensuing year.

In the circumstances it appears, and the Commission finds, that the proposed bases of charges 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 November 13, 1955. 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.

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 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:

(1) That Decision No. 50740 of November 3, 1954, in this proceeding, be and it is hereby amended by substituting "Grifall Bros. Trucking Company, a corporation," for "James Grifall, Charles

Section 3666 of the Public Utilities Code reads as follows:

[&]quot;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."

Grifall and John Grifall, copartners doing business as Grifall Bros. Trucking Company," in the order thereof, and by substituting "730" for "719" in Column 1 of Appendix "A" to the decision.

- (2) That the aforesaid authority, as so amended, be and it is hereby extended to November 13, 1956, unless sooner canceled, changed or further extended by order of the Commission.
- (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 November 13, 1955.

Dated at San Francisco, California, this The day of

Commissioners

November, 1955.