

ORIGINAL

Decision No. 52431

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of
Louis Marino, Lawrence Marino and
Ernest Marino, co-partners doing
business as MARINO BROTHERS TRUCKING
COMPANY, for permission to publish
and charge lower rates for trans-
portation for a longer distance than
for a shorter distance for the same
commodities over the same line or
route and in the same direction.)

) Application No. 37412

OPINION AND ORDER

Applicants operate as a highway common carrier of canned goods between various points in California. By this application, as amended, they seek authority under Section 460 of the Public Utilities Code and of Section 21, Article XII of the California Constitution to establish certain rail-competitive rates which would not apply at intermediate points, as specifically set forth in the application, and to make the changes effective on five days' notice. Applicants assert that the requested authority is necessary to enable them to compete with other carriers.

Establishment of the rail-competitive rates at the more distant points would result in the charging by the applicants of lesser amounts for longer than for shorter distances over the same routes, for which authority from this Commission is required.¹ The higher rates applicable at the intermediate points are those heretofore established by the Commission as minimum rates.

¹ Section 460 of the Code reads in part "Upon application to the commission a common carrier may, in special cases, after investigation, be authorized by the commission to charge less for a longer than for a shorter distance for the transportation of persons or property, and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation and requirements of this section." The constitutional provision is similar.

No objection has been received to the granting of this application. In consideration of all the facts and circumstances it appears that the relief sought should be authorized. The application will be granted. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Louis Marino, Lawrence Marino and Ernest Marino, doing business as Marino Brothers Trucking Company, be and they are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code and of Section 21, Article XII of the Constitution of the State of California to the extent necessary to publish the rates as specifically set forth in the application as amended, filed in this proceeding.

IT IS HEREBY FURTHER ORDERED that applicants be and they are hereby authorized to publish on not less than five days' notice to the Commission and to the public the rates and charges authorized herein.

The authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

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

Dated at San Francisco, California, this 24th day of January, 1956.

John E. ...
 President

Justice J. ...

Ralph ...

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...
 Commissioners