

Decision No. 53110

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
ARNOLD D. CHERRY, STANLEY CHERRY,)	
and KENNETH CHERRY, copartners doing)	
business as ARNOLD D. CHERRY & SON,)	Application No. 36588
for an order authorizing departure)	(First Supplemental)
from the rates, rules, and regulations))	
of Minimum Rate Tariff No. 2, under)	
the provisions of Section 3666 of the)	
Public Utilities Code.)	

FIRST SUPPLEMENTAL OPINION AND ORDER

Applicants hold a highway contract carrier permit. By Decision No. 51317 dated April 12, 1955, in this proceeding, they were authorized to deviate from the minimum rates otherwise applicable to transport property for McKesson & Robbins, Inc., within an area consisting of Alameda and Contra Costa Counties, also between points in those counties, on the one hand, and the cities of Vallejo and Benicia and the City and County of San Francisco, on the other hand.¹ The authority expired May 2, 1956. By supplemental application filed May 1, 1956, permission is sought, under the provisions of Section 3666 of the Public Utilities Code, to continue to deviate from the minimum rates for an additional one-year period.

The supplemental application states that improvements in operating conditions have to a certain degree offset increased labor costs and that operations may reasonably be expected to be profitable during the ensuing year. In other respects the conditions which previously justified deviation from the minimum rates still obtain.

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable. This is a matter in which a public hearing is not necessary. The supplemental

¹ The original application was filed by Arnold D. Cherry and Stanley Cherry. Since said filing and the granting of authority by the Commission pursuant thereto, the partnership has been changed by the addition of Kenneth Cherry.

application will be granted. As applicants' previous authority has expired, the following order will be made effective on the date hereof.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That Arnold D. Cherry, Stanley Cherry and Kenneth Cherry, copartners doing business as Arnold D. Cherry & Son, operating as a highway contract carrier, be and they are hereby authorized to transport property for McKesson & Robbins, Inc., within an area consisting of Alameda and Contra Costa Counties, also between points in those counties, on the one hand, and the cities of Vallejo and Benicia and the City and County of San Francisco, on the other hand, at rates and charges which differ from those established as minimum rates and charges, but not lower than the following:

Rated Capacity of Vehicles (Pounds)	Monthly Vehicle Unit Rate (Dollars) (See Note)	Charge per Mile for Each Mile in Excess of 1,050 per Month (Cents)
10,500 or less	730	16

Note: (a) Rates include driver and all operating expenses, except bridge tolls and drivers' overtime wages.

(b) Vehicle will be operated during regular working hours, except on Saturdays, Sundays and holidays.

(c) Operations shall be subject to the rules, regulations and restrictions set forth in Item No. 1100 series of City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A.


(2) That the authority herein granted shall expire one year after the effective date of this order unless sooner changed, canceled or extended by order of the Commission.

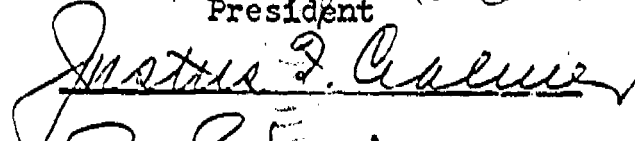
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(3) That any transportation performed by applicants as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

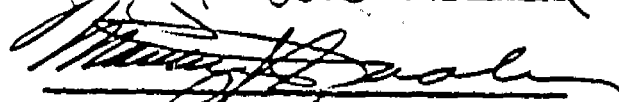
This order shall become effective on the date hereof.

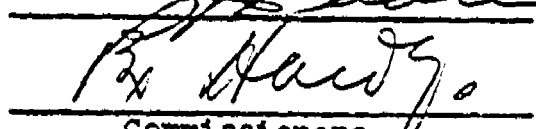
Dated at San Francisco, California, this 22nd day of May, 1956.



President








Commissioners