

ORIGINALDecision No. 53264

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FIELDS FREIGHT, INC., a corporation,)
 CARL A. MILLER, doing business as)
 MISSION DRAYAGE SERVICE, and HIGGINS)
 TRUCKS, INC., a corporation, for per-)
 mission to establish and maintain)
 joint through routes and rates.)

Application No. 37396

Ivan McWhinney, for applicants.O P I N I O N

Applicants are highway common carriers of general commodities. Fields Freight, Inc., operates generally between the Los Angeles area and points along U. S. Highway No. 101 between Point Mugu and Goleta. Carl A. Miller, doing business as Mission Drayage Service, operates generally between Point Mugu, Paso Robles and Fillmore. Higgins Trucks, Inc., operates between points in the Los Angeles basin area and in adjacent areas easterly and southerly to Corona and Laguna Beach. By this application, as amended, Fields Freight, Inc., and Higgins Trucks, Inc., and Fields Freight, Inc., and Carl A. Miller seek authority to establish joint through rates and joint through service between points on their lines. In connection with certain of the proposed rates, they seek authority to depart from the long-and-short-haul prohibitions of Article XII, Section 21, of the State Constitution and of Section 460 of the Public Utilities Code.

Public hearing on the application was held before Examiner C. S. Abernathy at Los Angeles on December 20, 1955. Evidence was presented by the president of Fields Freight, Inc., by Carl A. Miller, and by the assistant general manager of Higgins Trucks, Inc. Subsequently, Higgins Trucks, Inc., filed a request to withdraw from the proceeding. Accordingly, the proposals herein will be considered only as they relate to the operations of Fields and of Miller.^{1/}

The authority which Fields and Miller seek is to establish joint through service at rates which apply as minimum under the provisions of Minimum Rate Tariff No. 2. At present, shipments which move from a point on Fields' lines to a point on Miller's lines, or vice versa, are subject to a combination of the local rates named in the respective tariffs of these carriers. These rates result in higher transportation charges than would apply under the rates that applicants propose to establish. Their proposals, applicants allege, will not only enable them to extend to their shippers the benefit of lower rates but will enable them to provide an improved service as well. According to testimony submitted by applicants' witnesses, shippers have requested the through rates and service which are proposed.

Applicants' witnesses declared that the through service would be profitable under the proposed rates. They anticipated

^{1/} For convenience the term "applicants" will be used at times hereinafter as meaning Fields and Miller only.

that the lower through rates would enable them to attract additional tonnage over that which they now enjoy. Such additional tonnage, they said, could be handled in their present scheduled service with but little in the way of additional costs other than the costs applicable specifically to the pickup and delivery of the shipments involved.

Notices of the hearing in this matter were published in the Commission's calendar and were sent by the Commission's secretary to carriers believed to be interested. No one appeared in opposition to granting of the application.

It appears that establishment of the through routes and joint rates as herein proposed is not adverse to the public interest and should be authorized. The application will be granted.

O R D E R

Based on the evidence of record and on the conclusions and findings contained in the preceding opinion,

IT IS HEREBY ORDERED that

1. Carl A. Miller, doing business as Mission Drayage Service, and Fields Freight, Inc., be, and they hereby are, authorized (a) to establish the through service, through routes and joint rates proposed in the above-entitled application, and (b) to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code to the extent necessary to establish the joint rates herein authorized.

- 2. The authority herein granted does not extend to the establishment of through service, through routes and joint rates with Higgins Trucks, Inc. To the extent that the above-numbered application applies to and involves the establishment of through service, through routes and joint rates with Higgins Trucks, Inc., the application be, and it hereby is, dismissed.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire unless the authorized rates, routes and service are established and made effective within sixty days after the effective date of this order.

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

Dated at San Francisco, California, this 19th day of June, 1956.

John E. McNeill

 President

Justin J. Greene

Paul W. Lutz

Montgomery

Commissioners

Commissioner Rex Hardy, being necessarily absent, did not participate in the disposition of this proceeding.