

**ORIGINAL**

Decision No. 54625

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into )  
 the rates, rules, regulations, charges, )  
 allowances and practices of all common )  
 carriers, highway carriers and city )  
 carriers, relating to the transportation )  
 of property in the City and County of )  
 San Francisco, and the Counties of )  
 Alameda, Contra Costa, Marin, Monterey, )  
 Napa, Santa Clara, Santa Cruz, San )  
 Benito, San Mateo, Solano, and Sonoma. )

Case No. 5441  
 Petition for Modification  
 No. 24

Edward M. Berol and Russell Bevans, for Draymen's Association of San Francisco, petitioner.  
Edwin C. Bennett, Natalie Gail, J. M. Hannigan, Wm. J. Keane, A. J. Mateik, Edward J. Maurer, Maurice A. Owens, Arlo D. Poe, James Quintrall, A. W. Savage, Harry J. Scherer, Edward P. White, Edmond P. Zinns; for various carriers and carrier associations, interested parties.  
Laurence E. Binsacca, John W. Bruner, Glenn T. Gleason, John H. Kemp, Jr., Rex M. Neilson, A. E. Norrbom, Allen K. Penttila; for various shippers and shipper associations, interested parties.  
Charles C. Miller, for San Francisco Chamber of Commerce, interested party.  
Grant Malquist and J. W. Mallory, for the Commission's staff.

O P I N I O N

Minimum rates, rules and regulations applicable to the transportation of property within San Francisco by city carriers are set forth in City Carriers' Tariff No. 1-A. By this petition, as amended, Draymen's Association of San Francisco seeks an interim increase of 3.1 percent<sup>1</sup> in the minimum rates named in the tariff in question.<sup>2</sup>

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<sup>1</sup> In the petition as originally filed an increase of six percent was requested. At the hearing, the increase sought was revised by petitioner to 3.1 percent.

<sup>2</sup> No increase is proposed in the rates named in Item No. 425 series, which apply on package freight.

Public hearing of the petition was held before Commissioner Matthew J. Dooley and Examiner Carter R. Bishop in San Francisco on February 1, 1957.

In the petition it is stated that the sought rate increase is necessary to offset certain increases in operating expenses to which the San Francisco draymen have been recently subjected. These include advances in wages of all classes of employees, in the price of fuel and in various taxes, including the new federal use tax on highway vehicles. It is alleged that by reason of the resulting increased costs of operation the financial health of the San Francisco draymen has been placed in jeopardy and that immediate rate relief is, therefore, necessary. According to the record, petitioner is engaged in developing more complete data of the results of operations of the draymen than it was able to present at the above-mentioned hearing. It hoped to be ready to make the full showing within ninety days after the hearing on the interim increase.<sup>3</sup>

The Commission has in prior decisions stated that the prima facie showing in an interim case should be more, rather than less, persuasive than in an ordinary proceeding, and that there must be a showing that carriers are in such dire need of immediate relief that they cannot await ordinary procedure. For example, in Decision No. 42530, dated February 23, 1949 (48 CPUC 487)<sup>4</sup> the Commission said:

"Of course, there must be a prima facie showing of an emergency condition before the Commission would be justified in granting relief on an interim basis."

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<sup>3</sup> The petition herein was taken under submission at the close of the hearing.

<sup>4</sup> In Application No. 29854 (Pacific Telephone and Telegraph Company - interim increase of certain rates).

The evidence adduced by petitioner in the instant proceeding fails to meet the above-stated requirements. The record is inadequate for the granting of the sought relief. The petition, as amended, will be denied.

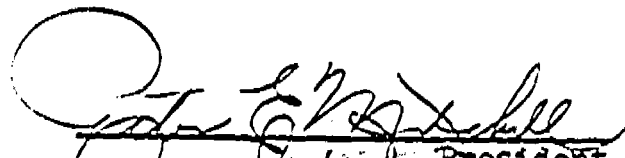



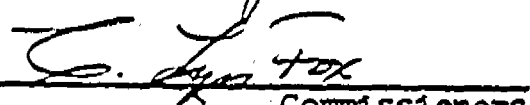
O R D E R

Based upon the evidence of record and upon the conclusions and findings set forth in the preceding opinion,

IT IS ORDERED that Petition for Modification No. 24, as amended, filed in this proceeding be and it is hereby denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of March, 1957.

  
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President  
  
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Commissioners