

ORIGINAL

Decision No. 54638

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of FARNSWORTH AND RUGGLES, a corporation, for authority to depart from the rates, rules, and regulations of Minimum Rate Tariff No. 2 (formerly Highway Carriers' Tariff No. 2), under the provisions of the Highway Carriers' Act.))))))))	Application No. 33329
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In the Matter of the Application of FARNSWORTH AND RUGGLES, a corporation, for authority to depart from the rates, rules and regulations of Minimum Rate Tariff No. 2 under the provisions of the Highway Carriers' Act.)))))))	Application No. 36743
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In the Matter of the Application of FARNSWORTH AND RUGGLES, a corporation, for authority to depart from the rates, rules and regulations of Minimum Rate Tariff No. 2, under the provisions of the Highway Carriers' Act.)))))))	Application No. 36823
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SUPPLEMENTAL OPINION AND ORDER

By prior orders in these proceedings, Farnsworth and Ruggles, a corporation, was authorized to deviate from the minimum rates as a permitted carrier, holding highway contract carrier and city carrier permits. By this petition it is requested that Consolidated Freightways, Inc., be substituted for Farnsworth and Ruggles in the three authorities here involved.

In Application No. 33329, Farnsworth and Ruggles was authorized to apply monthly vehicle unit rates in the transportation of iron and steel materials and related articles for Gilmore Steel and Supply Co., Inc., and two affiliated companies between points within San Francisco and between San Francisco and points within a 150-mile radius thereof. In Application No. 36743, Farnsworth and Ruggles was authorized to assess specified rates lower than the applicable minimum rates for the transportation of

iron or steel, structural iron or steel, and iron or steel articles for Bethlehem Pacific Coast Steel Corporation from South San Francisco to San Francisco. In Application No. 36823, Farnsworth and Ruggles was authorized to apply monthly vehicle unit rates in the transportation of property for Pacific Gas and Electric Company between points and places located within a radius of 150 miles of San Francisco. The above three authorities are scheduled to expire October 27, 1957, September 12, 1957, and October 24, 1957, respectively.

The petition states that on January 31, 1957, Farnsworth and Ruggles sold to Consolidated Freightways, Inc., all of the drayage business and substantially all of the equipment it was operating. Consolidated Freightways, Inc., operates such drayage business under city and highway contract carrier permits. It also operates as a highway common carrier intrastate within California between San Francisco and Los Angeles territories and also between Crescent City and the California-Oregon border and intermediate points, such operations being authorized by this Commission in Decisions Nos. 43003, 45783 and 51515.

The petition states that Consolidated Freightways, Inc., intends to operate in the same manner and method as did Farnsworth and Ruggles and that the circumstances and justifications which warranted the above authorizations to Farnsworth and Ruggles will also apply to Consolidated Freightways, Inc.

Interested parties have been notified of the filing of the petition. No objection has been received.

In the circumstances, it appears, and the Commission finds, that the proposed substitution of applicants is consistent with the public interest. The petition will be granted.

The special rate authority herein sought and granted is not applicable to common carrier services.¹ Consolidated Freightways, Inc., holds a certificate of public convenience and necessity as a highway common carrier as well as a permit as a highway contract carrier. Section 3542 of the Public Utilities Code forbids carriers to operate both as a common and as a 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 that the following decisions, as amended, be and they hereby are further amended by substituting therein "Consolidated Freightways, Inc." for "Farnsworth and Ruggles":

<u>Decision No.</u>	<u>Date</u>	<u>Application No.</u>
47802	October 7, 1952	33329
51873	August 23, 1955	36743
52030	October 4, 1955	36823

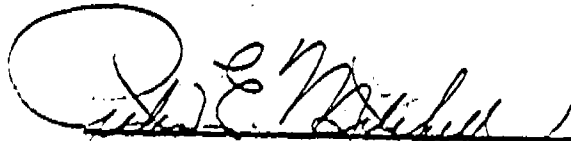
IT IS HEREBY FURTHER ORDERED that any transportation performed by Consolidated Freightways, Inc., both as a highway contract carrier and as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

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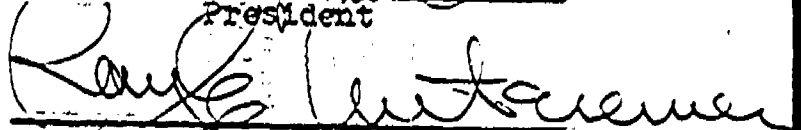
Section 3666 of the Public Utilities Code reads as follows:
"If any highway carrier other than a common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate."

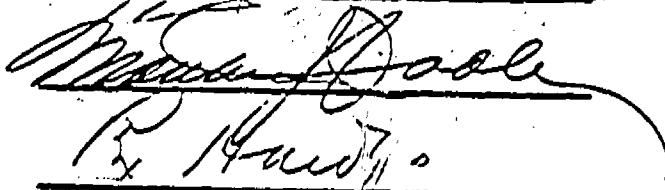
This order shall become effective twenty days after the date hereof.


Dated at San Francisco, California, this 12th day of March, 1957.



President







Commissioners: