

Decision No. 55005

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BELYEA )  
TRUCK CO., a corporation, for authority to )  
depart from the rates, rules and regulations )  
of Highway Carriers' Tariff No. 2, City Car- } Application No. 38999  
riers' Tariff No. 4 - Highway Carriers' }  
Tariff No. 5, under the provisions of the )  
Highway Carriers' Act and the City Carriers' }  
Act. }

OPINION AND ORDER

Belyea Truck Co., a corporation, holds radial highway common carrier, highway contract carrier and city carrier permits. In Application No. 33161 it was authorized to "quote or assess rates or accessorial charges based upon a unit of measurement different from that in which the minimum rates and charges in Highway Carriers' Tariff No. 2 (now Minimum Rate Tariff No. 2) and City Carriers' Tariff No. 4 - Highway Carriers' Tariff No. 5 (now Minimum Rate Tariff No. 5) are stated", but restricted to the transportation of "mining and contractors' equipment, boats, airplanes, and commodities which, by reason of size or weight, require special equipment or handling, including incidental materials, equipment or supplies transported as part of the same shipment". The authority did not allow applicant to observe lower rates and charges than those established as minima but merely permitted it to deviate from the requirements that the same units of measurement as those stated in the minimum rate tariffs be used. That authority expired June 16, 1956. Applicant now seeks reinstatement, for a period of not less than one year, of the authorization granted in Application No. 33161.

Applicant states that there have been no material changes in its operations since the previous authority was granted and that the justifications under which Application No. 33161 was granted still exist.

Applicant declares that the highly specialized nature of the traffic it handles and the requirements of its shippers make it impracticable to follow the form of the outstanding minimum rates and charges from a quotation standpoint. Applicant further states that, as it was in the previous authority, at no time will charges assessed, for the future, be less than those which would result under the minimum rate tariffs here involved.

In the circumstances it appears, and the Commission finds, that the proposed bases of charges are reasonable and consistent with the public interest. This is a matter in which a public hearing is not necessary. The application will be granted.

The special rate authority herein sought and granted is not applicable to common carrier services.<sup>1</sup> Applicant holds a certificate of public convenience and necessity as a highway common carrier of petroleum products and as a petroleum irregular route carrier as well as its permits as a radial highway common carrier and 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:

(1) That Belyea Truck Co., a corporation, be and it hereby is authorized to quote or assess rates or accessorial charges based upon a unit of measurement different from that in which the minimum rates and charges in Minimum Rate Tariffs Nos. 2 and 5 are stated.

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<sup>1</sup> 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".

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(2) That the authority herein granted is restricted to the transportation of mining and contractors' equipment, boats, airplanes, and commodities which, by reason of size or weight, require special equipment or handling, including incidental materials, equipment or supplies transported as part of the same shipment.

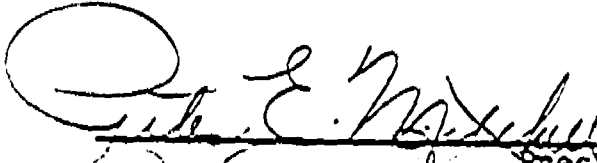

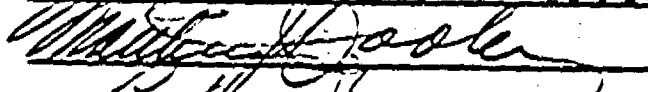


(3) That applicant shall retain and preserve copies of its freight bills, subject to the Commission's inspection, for a period of not less than three years from the dates of issuance thereof; and that each such copy of its freight bills shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied and the full information necessary for accurate determination of the charges under the minimum rates.

(4) That any transportation performed by applicant as both a highway contract carrier and a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

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

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

Dated at San Francisco, California, this 21st day of May, 1957.

  
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President  
  
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Commissioners