

ORIGINAL

Decision No. 56338

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 general commodities))
 (commodities for which rates are pro-)
 vided in Minimum Rate Tariff No. 2).)

Case No. 5432
 Petition for Modification
 No. 100

In the Matter of the Application of)
 POZAS BROS. TRUCKING CO., a corpo-)
 ration, for an order authorizing)
 departure from the rates, rules and)
 regulations of Minimum Rate Tariff)
 No. 2, under the provisions of)
 Section 3666 of the Public Utilities)
 Code.)

Application No. 39538

Marvin Handler, for Pozas Bros. Trucking Co.,
 applicant and petitioner.
J. C. Kaspar, A. D. Poe and J. X. Quintrall,
 for California Trucking Associations, Inc.,
 interested party.
Edward E. Tanner and A. R. Day, for the
 Commission's staff.

O P I N I O N

Pozas Bros. Trucking Co., a corporation, operates as a high-
 way common carrier of certain specified commodities between points in
 the San Francisco territory and between that territory and the Los
 Angeles territory and intermediate points. It also operates as a
 highway contract carrier between all points in the State. In these
 proceedings it seeks authority to assess an hourly rate for special
 expedited service on shipments having origin or destination within
 ten miles of Sunnyvale. On commodities and to points served as a
 common carrier, the special rates will be published in its tariff.
 Operations to other points will be as a contract carrier.

Public hearing was held before Examiner William E. Turpen on December 13, 1957, at San Francisco.

Applicant's president testified that his terminal at Sunnyvale is located within a few hundred feet of two large manufacturing concerns and that for some years he has maintained equipment available for emergency shipments of these manufacturers. He further stated that it was intended to have special rates for this type of service published in his tariff and that when he discovered such rates were not in the tariff he stopped the special service. The testimony of the witness shows that these shippers often get emergency calls for repair or replacement parts for electrical installations or heavy machinery and the special expedited service here involved consists of the immediate dispatch of a truck for loading at the plant and direct transportation of the shipment in that truck without waiting for other freight or return to the carrier's terminal.

Applicant proposes an hourly rate of \$7.32 for equipment with a rated capacity of 1½ tons and \$8.05 for equipment with a rated capacity of 3½ tons.¹ An accountant employed by applicant introduced a cost study developed from 93 trips made during the first eight months of 1957. The proposed rates were arrived at by expanding the developed costs for an operating ratio of 93 percent.

The store's manager of Woolridge Manufacturing Co. testified that his company manufactures heavy construction equipment and has used applicant's services for 12 years. The manager of purchasing

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The rates and rules governing the service are set forth in detail in Appendix A hereto.

and traffic for Westinghouse Electric Co. stated that his company has used applicant's emergency service for some years. An example of Westinghouse's shipments is repair parts for electric power generating plants located throughout the State. Both of these witnesses also testified that since applicant stopped the special service their companies have been using their own trucks for emergency shipments, but that if the authority here sought is granted they will again use applicant's services.

The Research Director of the California Trucking Associations, Inc., and members of the Commission's Transportation Division staff assisted in developing the record. No one opposed the granting of the application and petition.

The Commission is of the opinion and hereby finds that the proposed rates for special expedited service are reasonable and that the resultant increases in petitioner's common carrier rates are justified. It was brought out at the hearing that publication of the higher rates for this service may result in departures from the long- and short-haul provisions. Applicant asked for the necessary authority to make such departures. This authority will also be granted. Because the conditions under which the service is performed may change at any time, the authority will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

Applicant also holds a permit to operate as a radial highway common carrier. Section 3542 of the Public Utilities Code provides that no person or corporation shall engage in the transportation of property both as a common carrier and as a highway contract carrier

of the same commodities between the same points. In order to avoid possible violation of these statutory provisions, a limitation will be placed upon applicant's service as a radial highway common carrier during the existence of the authority herein granted.

O R D E R

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

IT IS ORDERED:

1. That Pozas Bros. Trucking Co. be and it is hereby authorized to publish and file, on not less than five days' notice to the Commission and to the public, to expire one year after the effective date of this order, the rates and rules for Special (Expedited) Service set forth in Appendix A attached hereto and made a part hereof, and to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 450 of the Public Utilities Code, to the extent necessary to comply with this order.

2. That Pozas Bros. Trucking Co. be and it is hereby authorized to transport property as a highway contract carrier, for Westinghouse Electric Corporation and Woolridge Manufacturing Company, in operations not covered by its highway common carrier certificates, at the rates and subject to the rules set forth in Appendix B attached hereto and made a part hereof, in lieu of the minimum rates otherwise applicable.

3. That during the period that the authority granted in paragraph 2 above is in effect the aforesaid applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier, and that any such transportation which applicant may perform in violation of these provisions shall be cause for revocation of the authority herein granted.

4. That the authority granted in paragraph 2 above 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 11th day of MARCH, 1958.

E. P. [Signature]
President
Paul [Signature]
[Signature]
E. [Signature]
Commissioners

APPENDIX A to Decision No. 56338

RATES AND RULES FOR SPECIAL (EXPEDITED) SERVICE
PERFORMED BY POZAS BROS. TRUCKING CO.

SPECIAL (EXPEDITED) SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (e) will be applicable to such transportation:

<u>Rated Capacity of Equipment (Tons)</u>	<u>Rates (Cents per Hour)</u>
1 1/2	732
3 1/2	805

- (a) Minimum charge shall be the rate for one hour or the charge accruing at the class rate applicable to such shipment as provided in Sections 1 and 2 of this tariff, whichever is greater.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 4,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale.

APPENDIX B to Decision No. 56238

RATES AND RULES FOR SPECIAL (EXPEDITED) SERVICE
PERFORMED BY POZAS BROS. TRUCKING CO.

SPECIAL (EXPEDITED) SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (f) will be applicable to such transportation:

<u>Rated Capacity of Equipment (Tons)</u>	<u>Rates (Cents per Hour)</u>
1 1/2	732
3 1/2	805

- (a) Minimum charge shall be the rate for one hour.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 4,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale.
- (f) In no event shall the charges determined under the above provisions be less than the applicable minimum rates provided in currently effective minimum rate orders of the Cal. P.U.C.