

ORIGINALDecision No. 56682

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 provided in Minimum Rate)
 Tariff No. 2).

Case No. 5432
 Petition for Modification
 No. 105

OPINION AND ORDER

Lewis Rodgers, doing business as Fresno-Bass Lake Freight Lines, operates as a highway common carrier between Fresno and Bass Lake and certain intermediate and surrounding communities. E. W. Simmons, doing business as Fresno-General Grant Cedar Grove Freight Lines, operates as a highway common carrier between Fresno, General Grant National Park, Cedar Grove and certain intermediate and surrounding communities.

By this petition, as amended, they seek authority to publish and maintain in their tariffs minimum charges lower than those established in Minimum Rate Tariff No. 2 by Decision No. 55704, dated October 15, 1957, in Case No. 5432. The sought minimum charges would apply between all points served by petitioners as highway common carriers, except between Friant and Pinedale, on the one hand, and all other points served by Rodgers, on the other hand. Petitioners explain this exclusion as due to these two points being served by another highway common carrier and their desire not to

alter the existing competitive relationship. Because of this exclusion, Rodgers requests the necessary relief from the long- and short-haul provisions of the State Constitution and the Public Utilities Code. Petitioners' proposal involves minimum charges less than those in Minimum Rate Tariff No. 2 only on shipments 25 pounds or less and shipments weighing over 100 pounds.¹

Petitioners state that they serve mountain resort areas out of Fresno; that these areas contain numerous small communities of a nonindustrial nature dependent on shipments from Fresno by for-hire truck service, local peddlers, or proprietary transportation, and that the bulk of petitioners' shipments are of low weight. They further state that if the lower minimum charges are not authorized a substantial portion of their business will be lost to peddlers or proprietary operations, and, accordingly, their over-all operations would suffer.

Exhibits attached to the petition show that operations under the rates in effect prior to the increases established by

¹ The minimum charges in effect prior to Decision No. 55704, those now in effect, and those proposed, are as follows:

Prior, Present and Proposed Minimum Charges
(In Cents)

| <u>Pounds</u> | <u>Rates Prior to 11/18/57</u> | <u>Present Minimum Rates</u> | <u>Proposed Tariff Rates</u> |
|---------------|--------------------------------|------------------------------|------------------------------|
| 0 - 25 | 114 * | 150 | 115 |
| 25 - 50 | 162 * | 150 | 150 |
| 50 - 75 | 162 * | 175 | 175 |
| 75 - 100 | 162 * | 200 | 200 |
| 100 - 150 | | 250 | 200 |
| 150 - 200 | | 300 | 200 |
| 200 - 250 | | 350 | 250 |
| 250 and over | | 400 | 300 |

* Includes 15 percent surcharge.

Decision No. 55704 were profitable and will continue to be profitable under the proposed rates.

Competing carriers have been notified of the filing of the petition. No objection has been offered to its being granted.

In the circumstances it appears, and the Commission so finds, that the granting of the sought authority is justified. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED that Lewis Rodgers, doing business as Fresno-Bass Lake Freight Lines, and E. W. Simmons, doing business as Fresno-General Grant Cedar Grove Freight Lines, be and they are hereby authorized to establish, on not less than five days' notice to the Commission and to the public, and maintain in their tariffs, the minimum charges as proposed in Petition for Modification No. 105, as amended, in Case No. 5432, and to deviate 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 above-authorized minimum charges.

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

Dated at San Francisco, California, this 13th day of May, 1958.

[Handwritten signatures and titles]
President
Commissioners