

**ORIGINAL**

Decision No. 56935

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of BIGGE DRAYAGE CO., a corpora- )  
tion, for authority to depart )  
from minimum rates, rules and )  
regulations applicable in con- )  
nection with certain transporta- )  
tion to be performed for RAYMOND )  
CONCRETE PILE CO. )

Application No. 37994  
(Second Supplemental)

SECOND SUPPLEMENTAL OPINION AND ORDER

Applicant holds radial highway common, highway contract and city carrier permits. Prior orders in this proceeding authorized it, under Sections 3666 and 4015 of the Public Utilities Code, to assess hourly and mileage charges in lieu of the applicable minimum rates for the transportation of pile-driving equipment, material and supplies between all points in California north of the southern boundaries of San Luis Obispo, Kings, Tulare and Inyo counties for Raymond Concrete Pile Co. That authority is scheduled to expire July 30, 1958. By this supplemental application authority is sought to continue to deviate from the minimum rates until October 31, 1958.

The supplemental application states that until applicant has negotiated a new labor contract it cannot determine what changes will be necessary in the authorized rates; and that by October 31, 1958, this information will be available.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable and consistent with the public interest. The supplemental application will be granted. A public hearing is not necessary.

The special rate authority herein sought and granted is not applicable to common carrier services.<sup>1</sup> Section 3542 of the Public Utilities Code forbids carriers to operate both as a common carrier and as a highway contract carrier of the same commodities between the same points.<sup>2</sup> In view of the authority herein granted, a necessary limitation will be placed upon applicant's radial highway common carrier permit to preclude the dual operations prohibited by Section 3542 of the Code.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That the expiration date of the authority granted to Bigge Drayage Co. by Decision No. 53344, dated July 10, 1956, as amended, in this proceeding, is hereby extended to October 31, 1958, unless sooner canceled, changed or further extended by order of the Commission.

1

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."

2

Section 3542 of the Public Utilities Code reads as follows:  
"No person or corporation shall engage or be permitted by the commission to engage in the transportation of property on any public highway, both as a common carrier and as a highway contract carrier or as a common carrier and a petroleum contract carrier of the same commodities between the same points."

(2) That the permit of Bigge Drayage Co. to operate as a radial highway common carrier is hereby conditioned as follows:

"This permit shall not authorize the transportation of pile-driving equipment, pile-driving materials or pile-driving supplies between points in California north of the southern boundaries of San Luis Obispo, Kings, Tulare and Inyo counties."

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

Dated at San Francisco, California, this 8th day of July, 1958.

C. Lynn Fox  
President  
John K. Mitchell  
Paul W. ...  
...  
Richard H. Jenner  
Commissioners