

Decision No. 57146**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PACIFIC MOTOR TRUCKING COMPANY and)
 HARRY WENDELL, doing business as)
 HARRY WENDELL'S FREIGHT LINE for)
 authority to publish joint rates,)
 establish through routes between)
 points on existing routes of said)
 carriers, and to interchange)
 equipment.)

Application No. 40274

OPINION AND ORDER

Applicants are highway common carriers of general commodities. Harry Wendell, doing business as Harry Wendell's Freight Line, operates generally between Calistoga, on the one hand, and Lakeport, Clear Lake Oaks, and certain intermediate points, on the other hand. Pacific Motor Trucking Company operates between various points throughout California.

By this application, authority is sought to establish, on less than statutory notice, through service, through routes and joint rates with authority to interchange equipment, between the above points with the exception of Calistoga. The proposed rates are on the same level as the minimum class rates named in Minimum Rate Tariff No. 2. Applicants do not request authority to depart from the long-and-short-haul provisions of the Constitution of the State of California and the Public Utilities Code.

Service over applicants' lines between the points involved is now subject to combinations of their local rates. These combination rates are higher than the proposed joint rates. Applicants represent that it will be advantageous to the public to be able to make through shipments over their lines under the lower rates. Applicants propose to transport traffic between points on

Pacific Motor Trucking Company's operations, for the purposes herein, are set forth in Appendix "A" of the application.

the lines of Pacific Motor Trucking Company, on the one hand, and points on the lines of Harry Wendell's Freight Line, on the other hand. The freight would be interchanged at Calistoga.

The application shows that on or about July 22, 1958, a copy of the application was served on competing carriers. No objection to its being granted has been received.

It appears that the establishment of the proposed through service, through routes and joint rates, on ten days' notice, is not adverse to the public interest and should be authorized, subject to the condition that applicants shall search out and avoid publishing or thereafter maintaining any joint through rate in excess of the combination of applicants' local rates for the transportation of a like kind of property between the same points. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That applicants are hereby authorized to establish, on not less than ten days' notice to the Commission and the public, the through service, through routes and joint rates proposed in the above-entitled application and to interchange equipment.

(2) That the authority herein granted is limited to the extent that it may be exercised in conformity with the provisions of Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code and that the authority shall not be construed as relieving applicants from the operation and requirements of said provisions of the Constitution and of the Public Utilities Code to any extent whatsoever.

(3) That applicants shall search out and avoid publishing or thereafter maintaining any joint through rate in excess of the combination of applicants' local rates for the transportation of a like kind of property between the same points. In the event any

combination of applicants' published local rates is found to make a lower rate than the joint through rate published pursuant to the authority herein granted, applicants shall immediately adjust the higher through rate in accordance with Rule 7 of General Order No. 80.

(4) That the authority herein granted shall expire unless the authorized rates are made effective within ninety days after the effective date of this order.

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

Dated at San Francisco, California, this 12th day of August, 1958.

C. Lynn Fox
President
Paul E. D. Smith
Robert J. Winter
William H. Doble
Commissioners