

Decision No. 57147**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of INTERCITY TRUCK & DELIVERY)
 SERVICE, INC., and Thomas H. Marrow,)
 doing business as, THOMAS MARROW TRUCKING)
 for authority to establish joint rates on) Application No. 40276
 less than statutory notice under Sections)
 Nos. 460, 491, 1065 and 1066 of the Public)
 Utilities Code.)

OPINION AND ORDER

Applicants are highway common carriers of general commodities. Thomas H. Marrow, doing business as Thomas Marrow Trucking, operates generally between Los Angeles, Huntington Park, Vernon and South Gate, on the one hand, and points on U. S. Highway No. 101 between and including Oceanside and San Ysidro plus certain off-route points, on the other hand. Intercity Truck & Delivery Service, Inc., operates between all points in the Los Angeles Territory,¹ and between Los Angeles, on the one hand, and Anaheim, Santa Ana and Pomona, on the other hand.

By this application, authority is sought to establish, on less than statutory notice, through service, through routes and joint rates between the points set forth above. Joint class and commodity rates are proposed. The class rates are on the same level as the minimum class rates named in Minimum Rate Tariff No. 2. Such commodity rates as are proposed will be published on the level of the commodity rates named in Minimum Rate Tariff No. 2. Authority is also sought to depart from the long-and-short-haul provisions of the Constitution of the State of California and the Public Utilities Code to the extent necessary to establish the joint rates.

¹ The Los Angeles Territory referred to herein is described in Intercity's operative right granted by Decision No. 53510 in Application No. 36405.

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 propose to transport traffic between points on the lines of Thomas H. Marrow, doing business as Thomas Marrow Trucking, on the one hand, and points on the lines of Intercity Truck & Delivery Service, Inc., on the other hand. Freight would be interchanged at Los Angeles.

The application shows that on or about July 15, 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 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.

(2) That applicants are hereby authorized to depart from the long-and-short-haul 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 rates authorized herein.

(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.

E. L. Fox
President
W. L. ...
R. G. ...
W. ...
Commissioners