

**ORIGINAL**

Decision No. 57196

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of BLANKENSHIP MOTORS, INC., a corpora- tion, for suspension of a portion of its certificate of public convenience and necessity.	) ) ) ) )	Application No. 39369
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In the Matter of the Application of BLANKENSHIP MOTORS, INC., a corpora- tion, for authority to depart from the rates, rules and regulations of Minimum Rate Tariff No. 2 and Mini- mum Rate Tariff No. 5 under the provisions of the Public Utilities Code.	) ) ) ) ) ) ) ) )	Application No. 39388
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FIRST SUPPLEMENTAL OPINION AND ORDER

Applicant is a certificated highway common carrier of general commodities for mail order houses and certain other specified commodities between designated points in the State of California. It also holds highway contract, radial highway common carrier and city carrier permits.

By Decision No. 56184 dated January 28, 1958, in these proceedings, the Commission suspended applicant's certificated authority to transport liquid bleach as a highway common carrier, and authorized applicant to transport liquid bleach and washing compounds as a highway contract carrier and city carrier at rates less than the established minimum rates. The certificate suspension was based upon applicant's showing that its transportation of this commodity was contract carriage rather than common carriage. In view of the implications thus raised whether the transportation of other commodities named in applicant's certificate might be other than highway common carriage, the Commission instituted Case No. 6073, an investigation into the nature of the operations and practices of applicant. The certificate suspension and special rate authority were limited to a period ending September 1, 1958.

The investigation instituted in Case No. 6073 has not been completed nor have hearings been held. By First Supplemental Application filed on July 22, 1958, in the instant application proceedings, Blankenship Motors, Inc., requests that the certificate suspension and rate authority contained in Decision No. 56184 be extended for a period of one year so that the investigation in Case No. 6073 may be completed and a final determination made thereof.

The First Supplemental Application will be granted without prejudice to whatever conclusions may be reached in Case No. 6073, supra. To avoid a lapse in the certificate suspension and rate authority, the order herein will be made effective on the date hereof.

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 certificate suspension ordered and rate authority granted to Blankenship Motors, Inc. by Decision No. 56184 of January 28, 1958, in these proceedings, is hereby extended to September 1, 1959.

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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."

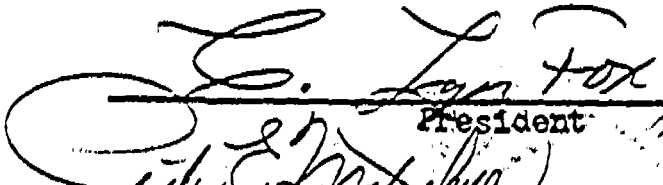
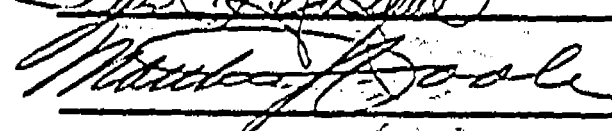
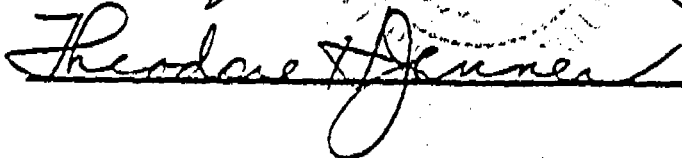
(2) That the permit which Blankenship Motors, Inc. holds to operate as a radial highway common carrier is hereby limited to exclude the transportation of liquid bleach and washing compounds between Los Angeles and points within 125 miles thereof, including points within Los Angeles and Orange counties.

(3) That applicant shall amend its tariffs, on not less than five days' notice to the Commission and to the public, to reflect the extension of the certificate suspension ordered in paragraph 1 hereof.

(4) That in all other respects Decision No. 56184 shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 19<sup>th</sup> day of August, 1958.

  
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President  
  
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Commissioners