

ORIGINAL

Decision No. 57303

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
J. A. CLARK DRAYING COMPANY, LTD., a)	
corporation, for authority to depart)	
from the rates, rules and regulations)	Application No. 30451
of Highway Carriers' Tariff No. 2)	(Ninth Supplemental)
under the provisions of Section 3666)	
of the Public Utilities Code.)	

NINTH SUPPLEMENTAL OPINION AND ORDER

Applicant holds radial highway common, highway contract and city carrier permits, and was recently certificated as a highway common carrier for the transportation of general commodities between all points within the Los Angeles Territory as defined in Exhibit "B" of Decision No. 55393 of August 13, 1957, in Application No. 36502. Prior orders in the instant proceeding have authorized applicant, as a highway contract carrier, to deviate from the minimum rates otherwise applicable for the transportation of aluminum, iron and steel articles for United States Steel Supply Company, between the shipper's warehouse in the City of Vernon, and points in southern California. The rates currently authorized are the same as the monthly Los Angeles drayage area rates named in Item No. 430-K of Minimum Rate Tariff No. 5, but are authorized to be applied throughout a broader area. The deviation permits applicant to observe such rates for the equipment used in furnishing the service in lieu of rates based on the weight of the freight shipped. The authority is scheduled to expire September 12, 1958.

By this supplemental application authority is sought to continue to deviate from the minimum rates for a further one-year period.

The supplemental application states that the conditions surrounding the transportation in question which justified deviation from the minimum rates generally still obtain; that while there have been some increases in costs incident to the performance of the operations, such higher costs have been offset by increases in rates applied under the original relief and by increased volume of traffic and greater efficiency; and that operations under rates charged during the past year have been compensatory and will be compensatory during the ensuing year.

The application shows that on or about August 11, 1958, competing carriers were notified of the filing of the supplemental application. No objection has been received to its being granted.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. This is a matter in which a public hearing is not necessary. In view of the expiration date of the current authority, the order will be made effective on September 12, 1958.

The special rate authority herein sought and granted is not applicable to common carrier services.¹ 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.² Within the territorial scope of its certificated area in southern California, applicant holds itself out to the public, through tariff publication, to perform the same service at the same rates and charges as are involved in the instant

¹Section 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."

²Section 3542 of the Public Utilities Code reads as follows: "No person or corporation shall 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."

application. In view of the contract operation involved in this proceeding beyond the certificated area, 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 J.A. Clark Draying Company, Ltd., is hereby authorized to transport, for United States Steel Supply Company, aluminum, iron or steel articles, viz.: bars, plates, sheets, strips, structural shapes, tubing; iron or steel wire and wire rope; aluminum roofing accessories; hardware; and machinery, at rates and charges which differ from the established minimum, but no lower than those set forth in Item No. 430-K of Minimum Rate Tariff No. 5, between United States Steel Supply Company's warehouse located in the vicinity of Second Street, Fifty-Eighth Street and Slauson Avenue, in the City of Vernon, Los Angeles County, and points within the counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura.

(2) That the permit of J. A. Clark Draying Company, Ltd., to operate as a radial highway common carrier is hereby conditioned as follows:

"This permit shall not authorize the transportation of aluminum, iron or steel articles, viz.: bars, plates, sheets, strips, structural shapes, tubing; iron or steel wire and wire rope; aluminum roofing accessories; hardware; and machinery between Vernon, on the one hand, and points within the counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura, on the other hand."

(3) That the authority herein granted shall expire September 12, 1959, unless sooner canceled, changed or extended by order of this Commission.

This order shall become effective September 12, 1958.

Dated at San Francisco, California, this 10th day of September, 1958.

E. Lynn Fox

President
John E. Mitchell

Paul J. Brennan

Walter J. Hall

Herbert J. Jensen

Commissioners