

Decision No. 57352

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC MOTOR TRUCKING COMPANY and)
CULY TRANSPORTATION COMPANY, INC.,)
for authority to publish joint)
rates, establish through routes be-)
tween points on existing routes of)
said carriers, interchange equip-)
ment and establish substituted)
service.)

Application No. 40377

OPINION AND ORDER

Applicants are highway common carriers of general commodities. Culy Transportation Company, Inc., operates generally between the San Francisco Territory, Los Angeles Territory and San Diego Territory.¹ 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 points and places served by Pacific Motor Trucking Company as specifically named in Local and Joint Freight and Express Tariff No. 1, Cal. P.U.C. No. 1, of E. J. McSweeney, Agent, and points and places served by Culy Transportation Company, Inc., as named in Exhibit "A", attached to the application. Applicants also seek authority to interchange equipment for service between all points for which joint rate authority is sought and to establish substituted service for each other between common points served by both applicants. The proposed joint rates are on the same level as the minimum class rates named in Minimum Rate Tariff No. 2. Applicants state that no departures from the long-and-short-haul provisions of the Public Utilities Code will occur in connection with the proposed joint rates.

¹ Description of the territories are outlined in Appendix "B" of Decision No. 54695, dated March 19, 1957, in Application No. 36010.

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 the lines of Pacific Motor Trucking Company, on the one hand, and points on the lines of Culy Transportation Company, Inc., on the other hand. The freight would be interchanged at Los Angeles, Fresno, Stockton, San Jose, Oakland or San Francisco.

Applicants state that on numerous occasions the volume of traffic moving between the points involved is insufficient to warrant duplicate services by applicants; that in the interest of economy it is their desire to establish the substituted service; and that unless otherwise directed by shippers, shipments will be routed at carriers' option.

The application shows that on or about August 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, joint rates, and establishment of the substituted service, on ten days' notice, and interchange of equipment, 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. The application will be granted. 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 applicants may, on not less than ten days' notice to the Commission and the public, establish the substituted service and interchange equipment as proposed in this application, and shall amend their tariffs to reflect the authority herein granted, subject to the conditions that the tariff rules to be published (a) shall clearly state the conditions of the substituted service, and (b) shall clearly provide that the shipper will have the option of specifying through single line service if desired.

(3) 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.

(4) 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.

(5) That the authority herein granted shall expire unless exercised within one hundred twenty 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 23rd day of September, 1958.

E. Lynn Fox
President
John A. ...
Paul ...
William ...
Theodore ...
Commissioners