

Decision No. 57408

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Lamb Transportation Company)	
for authority to charge less than minimum)	
rates for the transportation of Soda Ash)	Application No. 39442
from Bartlett, Trona and Westend to Boron,)	(First Supplemental)
California.	

FIRST SUPPLEMENTAL OPINION AND ORDER

Decision No. 56539 of April 15, 1958, in this proceeding, authorized Lamb Transportation Company, as a highway contract carrier, under Section 3566 of the Public Utilities Code, to transport soda ash in bulk for the United States Borax and Chemical Corporation from Bartlett, Trona and Westend to Boron at rates less than the applicable minimum rates. The authority is scheduled to expire May 5, 1959.

By this supplemental application, it is requested that Consolidated Freightways, Inc., be substituted for Lamb Transportation Company effective October 6, 1958, in the authority and that the expiration date of the authority be changed to January 15, 1959.

The supplemental application states that on or before October 6, 1958, Lamb Transportation Company will be merged into Consolidated Freightways, Inc. It also states that Consolidated holds a highway contract carrier permit.¹ Applicant asserts that, from its experience of operating Lamb Transportation Company over the past several months, it believes that its costs for the transportation involved will be no greater than are the Lamb costs for performing the same transportation. It also alleges that as a consequence

¹ Consolidated also holds radial highway common carrier and city carrier permits. In addition it is authorized to operate as a highway common carrier and as a petroleum irregular route carrier between points not involved herein.

the shipper, during the interim period involved, should be entitled to transportation under the presently authorized rates. Applicant further asserts that in the intervening period between the date of the conclusion of the merger and January 15, 1959, Consolidated will cause cost study data to be prepared from which the Commission may determine the reasonableness and propriety of further authorizing less than minimum rates.

In the circumstances, it appears, and the Commission finds, that the proposed substitution of Consolidated for Lamb and change of expiration date are justified. This is a matter in which a public hearing is not necessary. The supplemental application will be granted. In view of the date of the merger the following order will be made effective October 6, 1958.

The special rate authority herein sought and granted is not applicable to common carrier services.² 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.³ In view of the contract operations involved in this proceeding, a necessary limitation will be placed upon Consolidated'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 Decision No. 56539 of April 15, 1958, in this proceeding, is hereby amended by substituting therein "Consolidated Freightways, Inc." for "Lamb Transportation Company."

² 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."

³

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 expiration date of the authority granted by Decision No. 56539, as amended herein, is hereby changed to January 15, 1959.


(3) That the permit which Consolidated Freightways, Inc., holds to operate as a radial highway common carrier is hereby conditioned as follows:

"This permit shall not authorize the transportation of soda ash from Bartlett, Trena or Westond to Boron."

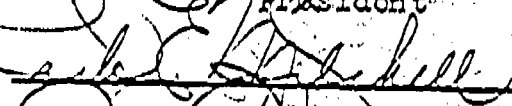
(4) In all other respects Decision No. 56539, shall remain in full force and effect.

This order shall become effective October 6, 1958.

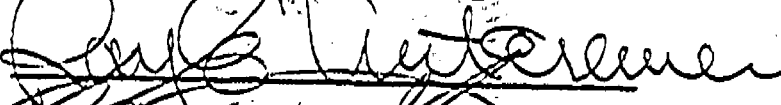
Dated at San Francisco, California, this 29th day of September, 1958.



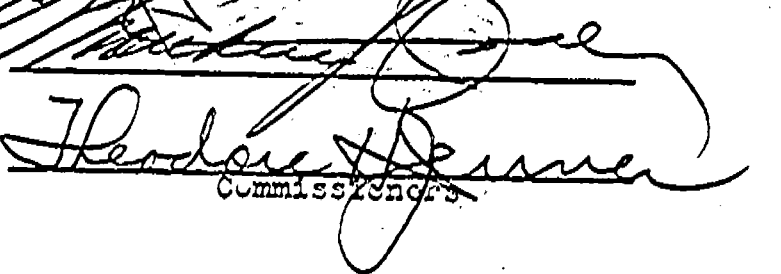
President



Paul L. Hill



Paul L. Hill



Theodore Jensen
Commissioner