

ORIGINAL

Decision No. 57409

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CONSOLIDATED FREIGHTWAYS, INC., a)
corporation, (formerly FARNSWORTH)
AND RUGGLES), for authority to de-) Application No. 36823
part from the rates, rules, and) (Third Supplemental)
regulations of Minimum Rate Tariff)
No. 2, under the provisions of the)
Highway Carriers' Act.)

THIRD SUPPLEMENTAL OPINION AND ORDER

Consolidated Freightways, Inc., holds radial highway common carrier, highway contract carrier and city carrier permits. It also holds certificates to operate as a highway common carrier between the San Francisco and Los Angeles Territories and between points in southern California. Prior orders in this proceeding have authorized applicant to deviate from the minimum rates, as a highway contract carrier, under Section 3666 of the Public Utilities Code, by applying monthly vehicle unit rates for the transportation of property for Pacific Gas and Electric Company between points and places located within a 150-mile radius of San Francisco. The authority is scheduled to expire October 24, 1958. Permission is sought to continue to deviate from the minimum rates for a further one-year period. Applicant proposes, however, to increase the rates as set forth in the supplemental application.

The supplemental application shows that, except for increased costs, the conditions which justified deviation from the minimum rates still obtain. Applicant asserts that, under conditions which can now reasonably be anticipated, it can continue to operate at a satisfactory and reasonable profit for a period of an additional year under the rates herein proposed.

Interested parties were notified on or about September 4, 1958, of the filing of the supplemental application. No objection has been offered 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. The supplemental application will be granted.

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 In view of the contract operation involved in this proceeding, the order herein will provide that during the period that the authority herein granted is in effect the applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Decision No. 52030 of October 4, 1955, as amended, in this proceeding, is hereby further amended by substituting in Appendix "A" attached to Decision No. 55723 dated October 22, 1957, in this proceeding, the Column 1 rate of "1012" in the place of "920".

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 during the period that the authority herein granted is in effect the aforesaid applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier; and that any such transportation which applicant may perform in violation of these provisions shall be cause for revocation of the authority herein granted.

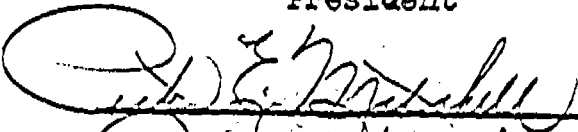
(3) That the expiration date of the authority granted by said Decision No. 52030, as further amended herein, is hereby extended to October 24, 1959, unless sooner changed or further extended by order of the Commission.

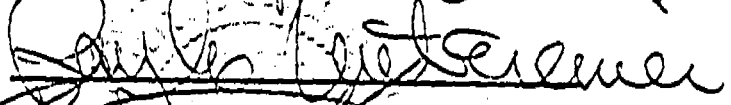
The effective date of this order shall be twenty days after the date hereof.

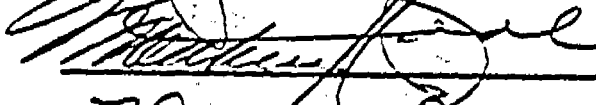
Dated at San Francisco, California, this 29th day of September, 1958.

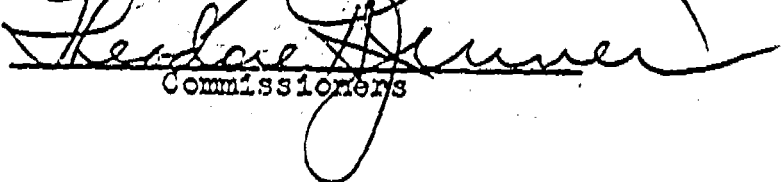


President









Commissioners