

Decision No. 57960

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
SIGNAL TRUCKING SERVICE, LTD., a)	
corporation, for authority to depart)	
from the rates, rules and regulations)	Application No. 31459
of Minimum Rate Tariff No. 5, and)	(10th Supplemental)
Minimum Rate Tariff No. 2, under)	
the provisions of the City Carriers')	
Act and of the Highway Carriers' Act.)	

SUPPLEMENTAL OPINION AND ORDER

Applicant holds radial highway common carrier, highway contract carrier and city carrier permits. It performs transportation for The Procter and Gamble Distributing Company from the shipper's factory and warehouses in southern California to its customers in southern and central California. By prior orders in this proceeding, applicant was authorized to deviate from the requirements of outstanding minimum rate orders, under Sections 3666 and 4015 of the Public Utilities Code, insofar as shipping documents and accessorial charges were concerned. The authority is scheduled to expire February 22, 1959.

By its Tenth Supplemental Application, applicant now seeks authority to continue to deviate from the minimum rates for a further one-year period. Under current authority applicant is authorized to use various documents prepared by the shipper in the regular course of business as shipping documents in lieu of those required under the minimum rate orders. It seeks to continue this practice. In addition, applicant is currently authorized to assess an additional charge for split delivery service of 25 cents per 100 pounds, in place of prescribed split delivery charges which are in amounts per delivery graduated according to the weight of the delivery. It seeks also to continue its present method of assessing split delivery charges but to increase the amount of the charge to 27 cents per 100 pounds.

Applicant states that transportation under the proposed basis of charges will be compensatory for the coming year. It shows that the proposed increase in the authorized rate in connection with split-delivery shipments approximates the increase which was recently granted in the minimum rates, and that in the aggregate the charges accruing under the proposed rate will not be less than those which would accrue from a strict application of the minimum rates.

In the circumstances, it appears, and the Commission finds, that the proposed basis of charges is reasonable and consistent with the public interest. 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,

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."

IT IS ORDERED:

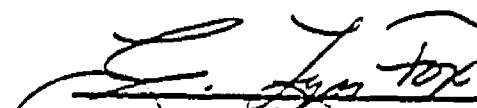
(1) That Appendix "A" to Decision No. 44602 of August 1, 1950, as amended, in this proceeding, is hereby further amended by substituting in Item 2 thereof "27 cents per 100 pounds" for "25 cents per 100 pounds";


(2) That the aforesaid authority as so amended is hereby further extended to February 22, 1960, unless sooner changed or further extended by order of the Commission;

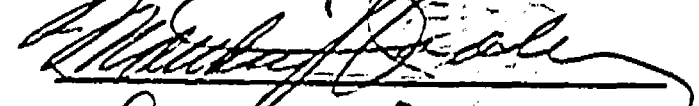
(3) That during the period that the authority herein granted is in effect the aforesaid applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier; and that such transportation which applicant may perform in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

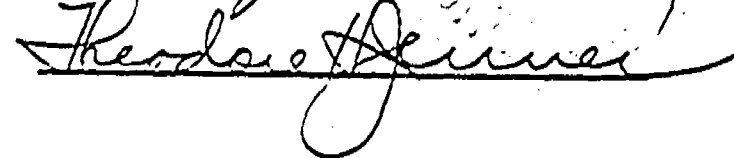
This order shall become effective February 22, 1959.

Dated at San Francisco, California, this 3rd day of February, 1959.



President






Commissioners