

**ORIGINAL**

Decision No. 58024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
BRAKE DELIVERY SERVICE )	
to establish Joint Rates with: )	Application No. 40741
WILLIG FREIGHT LINES. )	

OPINION AND ORDER

Applicants are highway common carriers of general commodities. Willig Freight Lines operates, among other places, between Los Angeles, on the one hand, and San Francisco Territory and points north thereof on U.S. Highway 101 and State Highway 1 to and including Cloverdale and Fort Bragg and certain intermediate and off-route points, on the other hand. Brake Delivery Service operates, among other places, between Los Angeles, on the one hand, and San Diego area and certain intermediate points, on the other hand.

By this application, authority is sought to establish, on less than statutory notice, through service, through routes and joint rates between the points set forth above. The freight would be interchanged at Los Angeles. 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.

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.

The application shows that, on or about January 9, 1959, 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 and joint rates, on ten days' notice, 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.

(2) 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.

(3) 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.

(4) That the authority herein granted shall expire unless exercised within ninety 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 17<sup>th</sup> day of February, 1959.

E. L. Fox  
President  
W. E. D. [unclear]  
W. E. D. [unclear]  
Theodore [unclear]  
Everett [unclear]  
Commissioners