

ORIGINAL

Decision No. 58046

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
GRADY S. HEFLEY, MAYO GOLITI and)
ROBERT GOLITI, a copartnership doing)
business under the firm name and style) Application No. 40689
of HEFLEY TRUCKING COMPANY, for auth-)
ority to waive collection of under-)
charges.)

OPINION AND ORDER

By this application, Grady S. Hefley, Mayo Goliti and Robert Goliti, a copartnership, doing business under the firm name and style of Hefley Trucking Company, operating as a highway common carrier and a highway permit carrier, seek authority to waive collection of certain charges applicable as a highway common carrier for shipments of fresh fruits and vegetables transported to packing plants, cold storage plants or processing plants during the period from September 30, 1957 to December 18, 1957, inclusive.¹

Applicants are certificated as a highway common carrier to transport certain commodities, including fresh fruits and vegetables, between various points in California.

Applicants state that under the provisions of their tariff, the commodity rates for fresh fruits and vegetables were not made applicable to the transportation in question. As a result, such transportation became subject to applicants' class rates. Applicants further state that they believed that there were no published rates for the transportation of the shipments here involved. They, therefore, continued to contract for such rates upon the assumption that they could do so as a highway contract carrier.

¹ Applicants' tariff rates were made effective November 21, 1956.

Applicants allege that they first became aware of the tariff violations when they received a letter from the Commission's Secretary directing them to collect undercharges. Thereupon, applicants filed a petition for modification of their certificate to exclude therefrom the transportation of fresh fruits and vegetables when the point of destination of the shipment is a cannery, accumulation station, cold storage plant, pre-cooling plant, winery, or when transported from the field or point of growth to a packing plant or a packing shed. The petition was granted, effective August 5, 1958.²

Applicants aver that the class rates were not suitable for this transportation, and that if they were required to be collected the resulting charges would be unjust and unreasonable. Applicants further allege that they acted in good faith and through ignorance and oversight billed the shipments herein involved as other than those prescribed in their tariff. They assert that the rates actually assessed and collected were the rates then being charged by other carriers transporting the same commodities exempt from minimum rate regulation.

Based upon the facts stated in the instant verified application, the Commission is of the opinion and finds that the class rates contained in the tariff of Grady S. Hefley, Mayo Goliti and Robert Goliti, doing business as Hefley Trucking Company, during the period from September 30, 1957 to December 18, 1957, inclusive, were not suitable or reasonable for application to the particular traffic involved in this application. Under the specific circumstances of this proceeding, Hefley Trucking Company will be authorized to waive the application of such rates to the shipments in question.

² Decision No. 57118 dated August 5, 1958, in Application No. 37908 (56 Cal.P.U.C. 501)

Therefore, good cause appearing,

IT IS ORDERED that Grady S. Hefley, Mayo Goliti and Robert Goliti, a copartnership, doing business under the firm name and style of Hefley Trucking Company, are hereby authorized to waive the assessment of the rates named in their tariff on file and in effect from September 30, 1957 to December 18, 1957, inclusive, to the shipments of fresh fruits and fresh vegetables involved in this application.

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

Dated at San Francisco, California, this 14th day of February, 1959.

E. L. Fox
President
J. E. [unclear]
[unclear]
Theodore [unclear]
Covert [unclear]
Commissioners