

ORIGINAL

Decision No. 58122

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into the rates, rules and regulations, charges, allowances and practices of all common carriers, highway carriers and city carriers relating to the transportation of any and all commodities between and within all points and places in the State of California (including, but not limited to, transportation for which rates are provided in Minimum Rate Tariff No. 2).

Case No. 5432
(Petition for
Modification No. 139)

In the Matter of the Application of Pozas Bros. Trucking Co., a corporation, for an order authorizing departure from the rates, rules and regulations of Minimum Rate Tariff No. 2, under the provisions of Section 3666 of the Public Utilities Code.

Application No. 40842

OPINION AND ORDER

Pozas Bros. Trucking Co., a corporation, operates as a highway common carrier of certain specified commodities between points in the San Francisco Territory and between that territory and the Los Angeles Territory and intermediate points. It also holds radial highway common, highway contract and city carrier permits. Decision No. 56338, dated March 11, 1958, in Application No. 39538 and Case No. 5432, authorized applicant to deviate from the established minimum rates by assessing hourly rates for special expedited service on shipments having origin or destination within ten miles of Sunnyvale. On commodities and to points served as a highway common carrier, the special rates are published in applicant's tariffs. The transportation as a highway contract carrier is performed for Westinghouse Electric Company and Woolridge Manufacturing Company. The authority is scheduled to expire March 31, 1959.

In these proceedings, authority is sought to continue this authority for a further one-year period. Applicant proposes, however,

to increase the current hourly rates of \$7.32 for equipment with a rated capacity of 1½ tons and \$8.05 for equipment with a rated capacity of 3½ tons to \$7.60 and \$8.60, respectively.

Applicant states that, except for increased costs of operations, the conditions which justified the current authority still exist. An exhibit attached to the application, in the form of an analysis of cost of the service herein involved, indicates that the total cost of performing the special expedited service with a 1½-ton unit of equipment is \$6.91 per hour and with a 3½-ton unit of equipment is \$7.90 per hour. The proposed rates would return profits of 69 cents and 70 cents per hour, respectively, and corresponding operating ratios of 91 and 91.9 percent.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable and justified by the transportation conditions. The application will be granted. This is a matter in which a public hearing is not necessary. Inasmuch as the published rates would expire March 31, 1959, the order will be made effective on ten days' notice and applicant will be authorized to amend its tariffs on two days' notice.

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. 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, 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 Pozas Bros. Trucking Co., a corporation, is hereby authorized to publish and file, to become effective on or after

March 31, 1959, on not less than two days' notice to the Commission and to the public, to expire one year after the effective date of this order, the rates and rules for Special (Expedited) Service set forth in Appendix A attached hereto and made a part hereof, and to depart from the long-and-short-haul provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, to the extent necessary to comply with this order.


(2) That Pozas Bros. Trucking Co., a corporation, is hereby authorized to transport property as a highway contract carrier, for Westinghouse Electric Corporation and Woolridge Manufacturing Company, in operations not covered by its highway common carrier certificate, at the rates and subject to the rules set forth in Appendix B attached hereto and made a part hereof, in lieu of the minimum rates otherwise applicable.

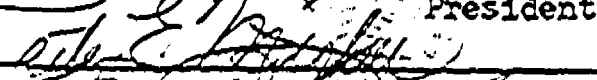
(3) That, during the period that the authority granted in paragraph 2 above is in effect, the aforesaid applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier, and that any such transportation which applicant may perform in violation of these provisions shall be cause for revocation of the authority herein granted.

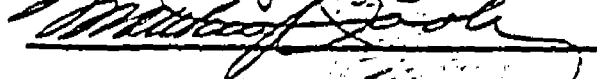
(4) That the authority granted in paragraph 2 above shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

This order shall become effective ten days after the date hereof.

Dated at San Francisco, California, this 17th day of March, 1959.



President




Commissioners

APPENDIX A to Decision No. 58122

RATES AND RULES FOR SPECIAL (EXPEDITED) SERVICE
PERFORMED BY POZAS BROS. TRUCKING CO.

SPECIAL (EXPEDITED) SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (e) will be applicable to such transportation:

<u>Rated Capacity of Equipment (Tons)</u>	<u>Rates (Cents per Hour)</u>
1 1/2	760
3 1/2	860

- (a) Minimum charge shall be the rate for one hour or the charge accruing at the class rate applicable to such shipment as provided in Sections 1 and 2 of this tariff, whichever is greater.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 4,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale.

APPENDIX B to Decision No. 58122

RATES AND RULES FOR SPECIAL (EXPEDITED) SERVICE
PERFORMED BY POZAS BROS. TRUCKING CO.

SPECIAL (EXPEDITED) SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (f) will be applicable to such transportation:

<u>Rated Capacity of Equipment (Tons)</u>	<u>Rates (Cents per Hour)</u>
1 1/2	760
3 1/2	860

- (a) Minimum charge shall be the rate for one hour.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 4,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale.
- (f) In no event shall the charges determined under the above provisions be less than the applicable minimum rates provided in currently effective minimum rate orders of the Cal. P.U.C.