

Decision No. 58238

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of J. A. MILLER, doing business
as J. A. MILLER TRUCKING and
COAST LINE TRUCK SERVICE, INC.,
a corporation, for permission to
establish and maintain joint
routes and rates.)

) Application No. 39814
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OPINION AND ORDER

Applicants are highway common carriers of property.

J. A. Miller operates, among other places, between Los Angeles, on the one hand, and points in the County of Imperial, on the other hand. Coast Line Truck Service, Inc., operates, among other places, between the San Francisco Territory, on the one hand, and the Los Angeles Territory, on the other hand.

By this application, authority is sought to establish, on less than statutory notice, through service, through routes, and joint rates for the transportation of fruits, fresh or green, (not cold pack or frozen), vegetables, fresh or green, (not cold pack or frozen), including mushrooms, fresh, cut flowers, bulk cotton seed, box shoo and fertilizer between the points served by them. The freight would be interchanged at Los Angeles. The proposed joint rates will be the rates contained in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight Tariff No. 18-B, Cal. P.U.C. No. 17 (J.L. Beeler, Agent, series). Applicants do not request authority to depart from the long-and-short-haul provisions of the Constitution of the State of California and the Public Utilities Code.

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.

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 the authorized rates are made effective 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 7th day of April, 1959.

E. J. Fox President
W. L. D. Hill
Marion D. Hill
Richard J. Hill
Ernest R. Hill Commissioners