

Decision No. 58279

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of COAST LINE TRUCK SERVICE, INC.,)	} Application No. 40786
for authority to establish joint rates with)	
J. A. MILLER, doing business as J. A. MILLER)	
TRUCKING and Mack Nishimoto, doing business as)	
NISHIMOTO BROS. under Section Nos. 491, 1065)	
and 1066 of the California Public Utilities Code,	

OPINION AND ORDER

Applicants are highway common carriers of property. J. A. Miller operates, among other places, between points in Imperial County, on the one hand, and Los Angeles, on the other hand. Nishimoto Bros. operates between Indio, Thermal and Coachella, on the one hand, and Los Angeles, on the other hand. Coast Line Truck Service, Inc. operates, among other places, between the San Francisco Territory, on the one hand, and Los Angeles, 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), and vegetables (not cold pack or frozen), including mushrooms, between the points set forth above. 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 and Joint Freight Tariff 17-A, Cal. P.U.C. No. 33 (Elmer Ahl, 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.

The application shows that, on or about January 29, 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 7th day of April, 1959,

E. Lynn Fox
President
W. J. [unclear]
Michael [unclear]
Theodore [unclear]
Ernest [unclear]
Commissioners