

A. 40988-AMS \*

**ORIGINAL**

Decision No. 58415

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MERCHANTS EXPRESS OF CALIFORNIA and )  
Harry Wendell, doing business as )  
HARRY WENDELL'S FREIGHT LINE for ) Application No. 40988  
authority to establish joint )  
through rates and routes. )

OPINION AND ORDER

Applicants are highway common carriers of general commodities. Merchants Express of California operates, among other places, between Calistoga, San Francisco and Sacramento and points generally south thereof including Los Angeles and points in the Los Angeles area. Harry Wendell, doing business as Harry Wendell's Freight Line, operates in the area generally between Calistoga and points in Lake County in the vicinity of Clear Lake, including Lower Lake, Clear Lake Oaks, Kelseyville and Lakeport.

By this application, authority is sought to establish, on less than statutory notice, through service, through routes, and joint rates between the points served by Harry Wendell and points served by Merchants Express of California (1) in the San Francisco Bay area and points easterly thereof to and including Sacramento; (2) on California State Highway 29 between Vallejo and Calistoga; and (3) points generally south of San Francisco and Sacramento to and including Los Angeles and Los Angeles Basin Territories. The freight would be interchanged at Calistoga.

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The proposed joint rates are on the same level as the minimum class rates named in Minimum Rate Tariff No. 2, subject to minimum weights of 20,000 pounds or less. Authority is also sought to depart from the long-and-short-haul provisions of the Constitution of the State of California and the Public Utilities Code to the extent necessary to establish the 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 March 20, 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 to the public, the through service, through routes and joint rates proposed in the above-entitled application.


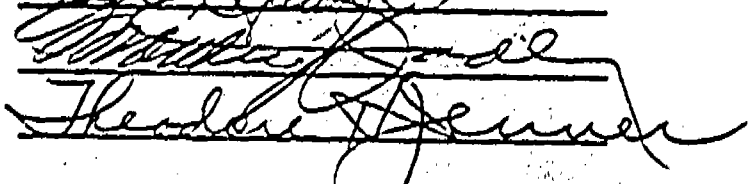
(2) That applicants are hereby authorized to depart from the long-and-short-haul provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code to the extent necessary to establish the rates authorized herein.

(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 19<sup>th</sup> day of  
May, 1959.

  
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President  
  
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Commissioners