

ORIGINAL

Decision No. 58431

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of A.S. FITZ-GERALD, doing business)
as FITZ-GERALD BROS., and ARROYO GRANDE TRUCK)
COMPANY, for authority to establish joint rates) Application No. 41017
under Sections Nos. 460, 491, 1065 and 1066 of)
the Public Utilities Code.)

OPINION AND ORDER

Applicants are highway common carriers of general commodities. A.S. Fitz-Gerald operates, among other places, between the Los Angeles Drayage Area, on the one hand, and Santa Maria, on the other hand. Arroyo Grande Truck Company operates, among other places, to and from points located between Las Cruces and Paso Robles.

By this application, authority is sought to establish, on less than statutory notice, through service, through routes, and joint rates between the points set forth above. The freight would be interchanged at Santa Maria. The proposed joint rates will be on the same level as the minimum rates prescribed by this Commission and published in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight Tariff No. 17-A, Cal.P.U.C. No. 33 (Elmer Ahl, Agent, series). 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 would 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 April 6, 1959, a copy 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 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 establish the rates authorized herein.

(2) 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.

(3) 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 19th day of May, 1959.

concur
Matthew J. Dooley
Matthew J. Dooley, Commissioner
Date MAY 20 1959

E. Lynn Fox
President
Theodore J. ...
Commissioners