

58681

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GARDNER P. POND, JR.)
for authority to depart from rates,)
rules and regulations of Minimum)
Rate Tariff No. 2, formerly Highway)
Carriers' Tariff No. 2.)

Application No. 41150

OPINION AND ORDER

Applicant holds highway contract carrier, radial highway common carrier, and city carrier permits. Among other things, he transports wooden utility poles for the J. H. Baxter Company from the shipper's supply yard at Long Beach to inventory yards or job sites in southern California of the Southern California Edison Company.

By prior orders in Application No. 35112 he was authorized, under Section 3666 of the Public Utilities Code, to deviate from the minimum rates otherwise applicable to this transportation. For transportation to the inventory yards, applicant was authorized to assess charges on a per-pole basis, minimum weight 30,000 pounds, according to the class and length of each pole. For transportation to the job sites (field deliveries), applicant was authorized to assess specified distance rates in cents per 100 pounds, plus a 7 percent surcharge. The authority expired on February 18, 1959.

Applicant now requests that the authority be reinstated for a one-year period and that the surcharge be increased to 10 percent.

The application states that the conditions which previously justified deviation from the minimum rates still obtain, and that the relief is necessary in order that applicant and shipper may continue this operation. It also points out that effective December 8, 1958, the minimum rates applicable to the commodity to be transported herein were made subject to a 10 percent surcharge in lieu of a previously applicable 7 percent (Decision No. 57545, Case No. 5432, Petition 62). Applicant states that such increase has been taken into account in

the proposed rates. Submitted with the application is a comparison of charges resulting from the proposed rates for field deliveries with the charges which would accrue under the established minimum rate provisions. In every case, the charges at the proposed rates are shown to exceed those that would be applicable under the minimum rates.

The application shows that on or about May 14, 1959, a copy was served on California Trucking Associations, Inc. No objection to the granting of this application has been received.

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable. This is a matter in which a public hearing is not necessary. The application will be granted.

The special rate authority herein sought and granted is not applicable to common carrier services.¹ 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.² In view of the contract carriage involved in this proceeding, limitation will be placed upon applicant's radial highway common carrier permit to preclude the dual operations prohibited by Section 3542 of the Code.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Gardner P. Pond, Jr., is hereby authorized to quote and assess rates or accessorial charges as set out in Appendix

¹ Section 3666 of the Public Utilities Code reads as follows:

"If any highway carrier other than a common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate."

² Section 3542 of the Public Utilities Code reads as follows:

"No person or corporation shall engage or be permitted by the commission to engage in the transportation of property on any public highway, both as a common carrier and as a highway contract carrier or as a common carrier and a petroleum contract carrier of the same commodities between the same points."

"A" which is attached hereto for inventory yard shipments, and as set out in Appendix "B" also attached hereto for field deliveries.

(2) That applicant shall retain and preserve copies of his freight bills, subject to the Commission's inspection, for a period of not less than three years from the dates of issuance thereof, and that each copy shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied, and the full information necessary for accurate determination of the charges under the minimum rates.

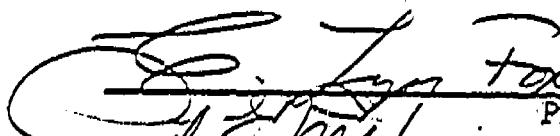
(3) That the order herein applies only to transportation and accessorial and incidental services performed by Gardner P. Pond, Jr., for J. H. Baxter Company, and is limited to wooden utility poles delivered for J. H. Baxter Company from Long Beach to inventory yards or job sites (field deliveries) of Southern California Edison Company.


(4) That the permit which Gardner P. Pond, Jr., holds to operate as a radial highway common carrier is hereby limited to exclude the transportation of wooden utility poles from Long Beach to points in southern California within a radius of 325 miles of Long Beach.

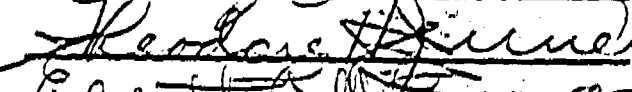
(5) That the authority herein granted shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of this Commission


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

Dated at San Francisco, California, this 29th day of June, 1959.



President





Commissioners

APPENDIX "A" TO DECISION NO. 58681
APPLICATION NO. L150

Per Pole Transportation charges proposed to be assessed and collected by Petitioner, Gardner P. Pond, Jr., for transportation of utility poles for the account of J. H. Baxter Co. moving from Long Beach, California to the named destinations in truckload lots. Rates are stated in cents per pole. Shipments are moved only on the basis of a minimum of 30,000 pounds.

Class Length	Compton Hunt. Beh. Long Beh. Redondo	Alhambra Fullerton Hunt. Park Inglewood Montebello Santa Ana Whittier	Pasadena Santa Monica	Covina Monrovia	Pomona	Ontario San Fernando	
H	25	45	50	55	60	65	85
N	25	50	60	60	70	75	100
F	30	85	100	105	120	125	170
V	30	85	100	105	120	125	170
F	35	85	100	105	120	125	170
V	35	100	125	130	150	160	210
F	40	100	125	130	150	160	210
V	40	100	125	130	150	160	210
F	45	130	160	170	195	205	275
V	45	130	160	170	195	205	275
F	50	130	160	170	195	205	275
V	50	160	215	230	265	280	370
F	55	160	215	230	265	280	370
V	55	160	215	230	265	280	370
F	60	260	310	330	375	395	530
V	60	260	310	330	375	395	530
Over 65'	60	260	310	330	375	395	530
N	65	375	420	440	485	510	640
H	65	480	535	560	620	645	815
N	70	440	490	515	565	590	745
H	70	525	585	620	680	710	895
N	75	480	535	560	620	645	815
H	75	580	650	685	755	790	1070
N	80	525	585	620	680	710	895
H	80	650	735	775	850	890	1120
N	85	580	650	685	755	790	1070
H	85	650	735	775	850	890	1120

Appendix "A" (Continued)

Class	Length	Redlands San - Bernardino	Oxnard	Ventura	Alpine (San Ber- nardino County)	Lancas- ter Santa Paula	Santa Barbara
S	25	95	100	125	130	140	145
F	25	105	115	140	150	155	165
F	30	185	195	240	255	265	280
F	30	185	195	240	255	265	280
F	35	185	195	240	255	265	280
F	40	230	245	300	320	335	355
F	40	230	245	300	320	335	355
F	45	300	320	390	410	435	460
F	45	300	320	390	410	435	460
W	50	300	320	390	410	435	460
W	50	400	435	525	555	585	620
W	55	400	435	525	555	585	620
W	55	400	435	525	555	585	620
I	55	575	620	750	795	840	885
I	60	575	620	750	795	840	885
I	60	575	620	750	797	840	885
Over 65'							
I	65	685	730	860	905	950	995
I	65	870	925	1095	1150	1210	1265
I	70	800	850	1005	1055	1105	1160
I	70	960	1120	1205	1265	1330	1390
I	75	870	925	1095	1150	1210	1265
I	75	1065	1135	1340	1410	1475	1545
I	80	960	1020	1205	1265	1330	1390
I	80	1195	1275	1505	1585	1660	1740
I	85	1065	1135	1340	1410	1475	1545
I	85	1195	1275	1505	1585	1660	1740

APPENDIX "B" TO DECISION NO. 58681
APPLICATION NO. 41150

Proposed distance rates for field deliveries
of utility poles, stated in cents per 100
pounds (See Note)

Miles Over	But not Over	Minimum Weight 20,000 Pounds	Minimum Weight 30,000 Pounds
0	5	14	9
5	10	14	9
10	15	14	9
15	20	14	9
20	25	15 $\frac{1}{2}$	10 $\frac{1}{2}$
25	30	15 $\frac{1}{2}$	10 $\frac{1}{2}$
30	35	19 $\frac{1}{2}$	13
35	40	19 $\frac{1}{2}$	13
40	45	24	16
45	50	24	16
50	60	27 $\frac{1}{2}$	18
60	70	27 $\frac{1}{2}$	18
70	80	29	20
80	90	32	22
90	100	35	24
100	110	36	26
110	120	36	26
120	130	40 $\frac{1}{2}$	29
130	140	40 $\frac{1}{2}$	29
140	150	44	31
150	160	44	31 $\frac{1}{2}$
160	170	48 $\frac{1}{2}$	34
170	180	48 $\frac{1}{2}$	36
180	190	52	37
190	200	52	39
200	220	55 $\frac{1}{2}$	40
220	240	59	43
240	260	68	46
260	280	71	51
280	300	76	55
300	325	81	60

NOTE: The amount of the charges computed in accordance with the applicable rate above is to be increased by 10 percent.