

ORIGINAL

Decision No. 59188

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PEERLESS TRUCKING CO., and S & M FREIGHT)
LINES to establish joint rates with)
CONSOLIDATED FREIGHTWAYS, INC.,)
CONSTRUCTORS TRANSPORT CO., DELTA LINES,)
INC., PACIFIC INTERMOUNTAIN EXPRESS CO.)
and WILLIG FREIGHT LINES.)

Application No. 41461

OPINION AND ORDER

Applicants are highway common carriers of property. By this application, authority is sought to establish, on less than statutory notice, through service, through routes and joint rates generally between Los Angeles and vicinity, on the one hand, and the San Francisco Territory and Sacramento, on the other hand. 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.

The proposed joint rates are on the same level as the minimum rates in Minimum Rate Tariff No. 2. 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.

Subsequent to the filing of this application, the Public Utilities Code was amended to remove the prohibition against establishment of such through routes and joint rates without the express approval of the Commission.¹ The application will be dismissed,

¹

Section 1066 of the Public Utilities Code amended effective September 18, 1959, (Statutes, 1959 - Chapter 1028).

therefore, except as it relates to the requested authority to publish the joint rates on less than statutory notice and to the requested relief from the long-and-short-haul provisions.

The application shows that, on or about August 28, 1959, a copy was served on competing carriers. No objection has been received to the granting of the application.

It appears, and the Commission finds, that good cause has been shown for the establishment of the proposed through service, through routes, and joint rates on ten days' notice, and that the applicants should be relieved from long-and-short-haul requirements of Section 460 of the Public Utilities Code to the extent necessary to establish the proposed rates.

The application will be granted, subject to the condition that applicants shall search out and avoid publishing or thereafter maintaining any joint through rates in excess of the combination of applicants' local rates for the transportation of a like kind of property between the same points. 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.

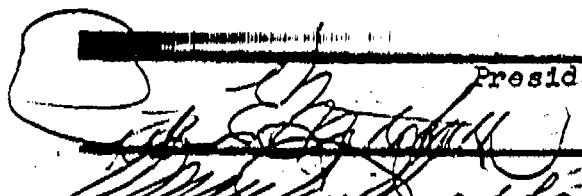
(2) That applicants shall search out and avoid publishing or thereafter maintaining any joint through rate in excess of the combination of applicants' local rates for the transportation of a like kind of property between the same points. In the event any combination of applicants' published local rates 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.

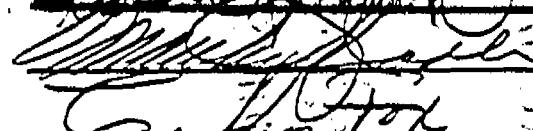
(3) That the authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

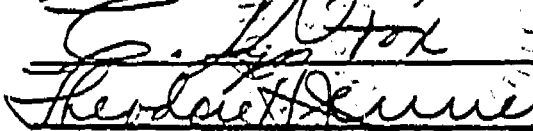
In all other respects, the above-entitled application is dismissed.

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

Dated at San Francisco, California, this 20th day of October, 1959.



President




Commissioners