

Decision No. 59755

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into
the rates, rules and regulations, charges,
allowances and practices of all common car-
riers, highway carriers and city carriers
relating to the transportation of any and
all commodities between and within all
points and places in the State of California
(including, but not limited to, transpor-
tation for which rates are provided in
Minimum Rate Tariff No. 2).

Case No. 5432
(Petition for Modi-
fication No. 177)

In the Matter of the Application of POZAS
BROS. TRUCKING CO., a corporation, for an
order authorizing departure from the rates,
rules and regulations of Minimum Rate Tariff
No. 2, under the provisions of Section 3666
of the Public Utilities Code.

Application No. 41924

OPINION AND ORDER

Prior orders have authorized Pozas Bros. Trucking Co. to deviate from the established minimum rates by assessing hourly rates for special expedited service on shipments having origin or destination within ten miles of Sunnyvale. On commodities and between points served as a highway common carrier, the special rates are published in petitioner's tariffs. The transportation as a highway contract carrier is performed for Westinghouse Electric Corporation and Woolridge Manufacturing Company. The authority is scheduled to expire March 27, 1960. By this petition and application, filed February 5, 1960, authority is sought to continue the authority for a further one-year period.

Petitioner states that the justification for the establishment of the proposed rates set forth in the original petition and application exists at present in every respect, and that although there have been increases in operating expenses since the previous filing, the retention of existing rates will allow petitioner to realize a reasonable profit from the operation. Attached to the application is an exhibit in the form of an analysis of cost of the service. The exhibit indicates that the total cost of performing the special expedited service with a 1½-ton unit of equipment is \$7.06 per hour and that with a 3½-ton unit of equipment, the cost is \$7.91 per hour.

The proposed rates of \$7.60 and \$8.60 per hour, which are currently in effect, would return profits of 54 cents and 69 cents per hour, respectively.

The Transportation Division staff has reviewed the petition and application and has recommended that they be granted.

Petitioner also requests authority to depart from the 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 sought rates.

No objection has been received to the granting of the petition and application.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable and justified by the transportation conditions. This is a matter in which a public hearing is not necessary. The sought authority will be granted. Inasmuch as the current authority will expire March 27, 1960, the order will be made effective on ten days' notice.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That Pozas Bros. Trucking Co., a corporation, is hereby authorized, to publish and file, on not less than five days' notice to the Commission and to the public, to expire March 27, 1961, the rates and rules for Special (Expedited) Service set forth in Appendix A attached hereto and made a part hereof, 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 comply with this order.

(2) That Pozas Bros. Trucking Co., a corporation, is hereby authorized to transport property as a highway contract carrier, for Westinghouse Electric Corporation and Woolridge Manufacturing Company, in operations not covered by its highway common carrier certificate, at the rates and subject to the rules set forth in Appendix B attached hereto and made a part hereof, in lieu of the minimum rates otherwise applicable.

(3) That the authority granted in Paragraph (2) above shall expire March 27, 1961, unless sooner canceled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 8th day of March, 1960.

Everett W. Rye
President
John E. Kitchell
William K. Keady
E. Lynn Fox
Theodore H. J. J. J.
Commissioners

APPENDIX A to Decision No. 59756

RATES AND RULES FOR SPECIAL (EXPEDITED) SERVICE
PERFORMED BY POZAS BROS. TRUCKING CO.

SPECIAL (EXPEDITED) SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (e) will be applicable to such transportation:

<u>Rated Capacity of Equipment (Tons)</u>	<u>Rates (Cents per Hour)</u>
1 1/2	760
3 1/2	860

- (a) Minimum charge shall be the rate for one hour or the charge accruing at the class rate applicable to such shipment as provided in Sections 1 and 2 of this tariff, whichever is greater.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 4,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale.

(End of Appendix A)

APPENDIX B to Decision No. 59756

RATES AND RULES FOR SPECIAL (EXPEDITED) SERVICE
PERFORMED BY POZAS BROS. TRUCKING CO.

SPECIAL (EXPEDITED) SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (f) will be applicable to such transportation:

<u>Rated Capacity of Equipment (Tons)</u>	<u>Rates (Cents per Hour)</u>
1 1/2	760
3 1/2	860

- (a) Minimum charge shall be the rate for one hour.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 4,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale.
- (f) In no event shall the charges determined under the above provisions be less than the applicable minimum rates provided in currently effective minimum rate orders of the Cal. P.U.C.

(End of Appendix B)