

Decision No. 61634

**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, transporta-  
tion for which rates are provided in Minimum  
Rate Tariff No. 2).

Case No. 5432  
(Petition for Modifi-  
cation No. 210)

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. 43103

OPINION AND ORDER

By Decision No. 59756, dated March 8, 1960, Pozas Bros. Trucking Co., a corporation, was authorized to establish and assess hourly rates which are less than the established minimum rates for special expedited service of shipments having origin or destination within 10 miles of Sunnyvale. On commodities and between points served as a highway common carrier, the special rates are published in petitioner's tariffs. As a highway permit carrier the authority was granted to apply to Westinghouse Electric Corporation and Woolridge Manufacturing Company. The authority is scheduled to expire March 27, 1961.

By this petition and application, filed January 26, 1961, applicant seeks an extension of its current authority for a further one-year period, but at hourly rates of \$8.20 and \$9.20 rather than the \$7.60 and \$8.60 now applicable for equipment with a rated capacity of 1½-ton and 3½-ton vehicles, respectively. Authority

<sup>1</sup> For the permit operation, no authority for the increase is required from this Commission inasmuch as applicant performs the service as a highway permit carrier for which only minimum rates have been established. Authority to continue the use of the sought rates beyond March 27, 1961, is required, however, inasmuch as these rates are below the minimum rates otherwise applicable.

is also sought 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.

The application states that the justification for the relief set forth in the original petition and application exists at present in every respect except that no necessity exists for such relief as to Woolridge Manufacturing Co., which no longer performs operations at Sunnyvale. Submitted with the application is an exhibit in the form of an analysis of cost of the special expedited service herein involved. The exhibit indicates that there have been adjustments in the expenses incurred in conducting the considered operation since the previous filing. The exhibit also indicates that the proposed rates are expected to return to petitioner net earnings of 54 cents and 69 cents per hour for the 1½ ton and 3½ ton vehicles, respectively.

The verified filings show that, on or about January 26, 1961, copies thereof were mailed to all parties of record. No objection to the granting of the petition and application has been received. The Transportation Division staff has reviewed the proposals and has recommended that they be granted.

By a prior order in this matter, applicant's radial highway common carrier permit was restricted to exclude the transportation of the same commodities between points here involved. This restriction was necessitated by the provision of Section 3542 of the Public Utilities Code. The Code provision was amended in September, 1959, obviating the need for the permit restriction. It will be eliminated.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable and justified by the transportation conditions herein involved. This is a matter in which a public hearing is not necessary. The sought authority will be granted.

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, 1962, 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 permit carrier, for Westinghouse Electric Corporation 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 limitation placed against the radial highway common carrier permit held by Pozas Bros. Trucking Co., a corporation, by Decision No. 58122, dated March 17, 1959, in Application No. 40842, and Case No. 5432, Petition for Modification No. 139, which excluded the transportation thereunder of the same commodities between the same points as are involved herein, is hereby removed.

(4) That the authority granted in Paragraph (2) above shall expire March 27, 1962, unless sooner canceled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of March, 1961.

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President

*S. L. Fox*  
*George D. Hoover*  
*Frederick B. Hoblitt*

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Commissioners

APPENDIX A to Decision No. 61634

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	820
3 1/2	920

- (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. 61634

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	820
3 1/2	920

- (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)