

ORIGINAL

Decision No. 62661

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Consolidated Freightways)
 Corporation of Delaware, a corporation)
 (formerly Consolidated Freightways, Inc.))
 for authority to depart from the rates,) Application No. 43712
 rules and regulations of Minimum Rate)
 Tariff No. 2 under the provisions of the) (Filed August 28, 1961)
 Highway Carriers' Act.)

OPINION AND ORDER

By Decision No. 60927, dated October 18, 1960, in Application No. 42656, applicant was authorized to apply monthly vehicle unit rates for the transportation of property for Pacific Gas and Electric Company within a 150-mile radius of San Francisco.¹ The authority is scheduled to expire October 24, 1961. Within the area herein involved, applicant operates only as a permitted carrier.

By this application extension of the current authority is sought. It also requests that the authority be modified by adjusting the authorized rates to the highest level provided in Minimum Rate Tariff No. 2.²

Applicant states that under its current authorization it is observing the highest level of monthly vehicle unit rates prescribed in Minimum Rate Tariff No. 2 and is departing therefrom only in that the service provided thereunder is performed within a 150-mile radius of the base point of San Francisco instead of within 125 miles thereof, as prescribed in the minimum rate tariff. Applicant alleges that the sought extension of this authority will continue to provide the shipper, Pacific Gas and Electric Company, with a necessary service while making a valuable contribution to applicant's overall revenue and providing for more efficient utilization of its equipment.

¹ Minimum Rate Tariff No. 2 limits the application of the vehicle unit rates to a 125-mile radius.
² No authority for an increase in the rates is required from this Commission, as applicant, insofar as this proceeding is concerned, is a permitted carrier for which only minimum rates have been established. Authority to continue the deviation from the minimum rate tariff beyond October 24, 1961, is required, however, inasmuch as the proposed rates are below the minimum rates otherwise applicable.

It is also alleged that revenues received under the current authority have proved to be fully compensatory.

The verified application shows that, on or about August 25, 1961, a copy thereof was served on California Trucking Associations, Inc., and the Draymen's Association of San Francisco. No objection to its being granted has been received. The Transportation Division staff has reviewed the verified application and has recommended that it be granted. The order which follows will provide for charges based on the highest level of monthly vehicle unit rates currently in effect in Minimum Rate Tariff No. 2.

In the circumstances, it appears, and the Commission finds that the charges, rules and regulations authorized by the order herein are reasonable for the transportation involved. A public hearing is not necessary. The application will be granted. However, as the conditions surrounding the transportation may change, the extension will be limited to one year.

Good cause appearing,

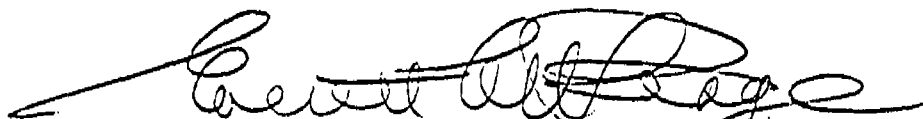
IT IS ORDERED that:


(1) Consolidated Freightways Corporation of Delaware is hereby authorized to depart from the provisions of the minimum rate orders otherwise applicable to the services which it performs for Pacific Gas and Electric Company, to the extent specifically provided in Appendix A, which is attached hereto and by this reference made a part hereof.


(2) The authority herein granted shall on and after October 24, 1961, supersede the authority granted by Decision No. 60927 and shall expire with October 24, 1962.

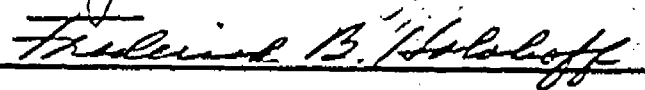
The effective date of this order shall be October 24, 1961.

Dated at San Francisco, California, this 10th day of October, 1961.



President






Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 62661MONTHLY VEHICLE UNIT RATES AUTHORIZED CONSOLIDATED FREIGHT-
WAYS CORPORATION OF DELAWARE FOR APPLICATION TO
TRAFFIC OF PACIFIC GAS AND ELECTRIC COMPANY

<u>Capacity of Carrier's Equipment In Pounds</u>	<u>Column 1</u>	<u>Column 2</u>
Over 15,500 but not over 20,500	1115	24

Column 1 - Rate per month in dollars per unit of carrier's equipment for service exclusive of service on Saturdays, Sundays and holidays. The rates apply for a maximum of 1,050 miles. For each additional mile of operation per month, add rate shown in Column 2.

Column 2 - Rate in cents per mile to be added to the Column 1 rate for each additional mile the unit of carrier's equipment is operated in excess of the maximum mileage allowed thereunder.

Rates Shown Above Are Subject to the Following Conditions:

(a) Rates apply between points and places located within a radius of 150 miles of San Francisco.

(b) Rates apply only when, prior to the use of the equipment involved, the shipper enters into a written agreement with the carrier subject to the conditions herein specified.

(c) Rates apply for a calendar month or for a period of 30 successive days from the date specified in the written agreement.

(d) Holidays mean New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Admission Day, Thanksgiving Day and Christmas Day.

(e) Rates include the service of a driver only. When, at the request of the shipper, the carrier furnishes help in addition to the driver, an additional charge shall be made at the rate of \$5.45 per man per hour, or any fraction thereof, minimum charge one hour for each helper used. The time for computing charges shall not be less than the actual time the helpers are engaged in performing the service.

(f) For services performed at other than during the hours 8:15 a.m. to 5:15 p.m., a charge equivalent to the additional wages plus 10 percent shall be assessed.

(g) The rates do not include bridge or ferry tolls.

(h) The written agreement shall include the following information:

- (1) Date of agreement, date transportation service is to commence, the monthly period, and duration of the agreement.
- (2) Identification of the equipment by license number or otherwise.
- (3) Capacity of equipment as shown herein.
- (4) Base rate and maximum mileage per month, and maximum hours per day.
- (5) Rates per mile for excess mile and per hour for excess hours.
- (6) Basing point of operations.
- (7) A clause that the agreement is canceled if the charges are not remitted by the shipper and collected by the carrier as required by Condition (h).
- (8) The agreement shall be in substantially the following form:

Date _____

In accordance with the provisions of Decision No. 62661, I hereby elect to have _____

(Identify Transaction)

transported by _____ under the rates and provisions of said decision, subject to the following terms:

(Name of Carrier)

Basing Point _____

(Street Address)

(City)

Counties of Service _____

Period of Agreement _____

Capacity of Equipment _____ pounds.

Identification of Equipment _____

Type of Service to be Performed _____

Maximum Mileage _____

Base Monthly Rate \$ _____

Rate per Mile for Excessive Mileage _____

Rate per Hour for Excessive Hours _____

Shipper _____
(Name in Full)

By _____
(Name in Full)

Confirmed:

Carrier _____

By _____

NOTE: This agreement is canceled if the charges are not remitted by the shipper and collected by the carrier as provided for in said decision.

(1) Within 7 calendar days after the end of the monthly period as set forth in the written agreement, the carrier shall present a bill to the shipper which shall set forth:

- (1) The monthly transaction period.
- (2) Identification of equipment.
- (3) Base monthly rate.
- (4) Maximum mileage as provided in written agreement.
- (5) Mileage in excess of maximum, and rate and charges therefor.
- (6) Number of hours in excess of 8 hours per day, and rate and charges therefor.
- (7) Number of hours for helper, and rate and charges therefor.
- (8) The freight bill shall be in substantially the following form:

FREIGHT BILL FOR TRANSPORTATION OF PROPERTY
AT MONTHLY VEHICLE UNIT RATES

Name of Carrier _____ Bill No. _____
(Name of Carrier must be same as shown on Permit) Permit No. _____

NAME OF SHIPPER _____

STREET ADDRESS _____

CITY _____

Period equipment unit is engaged and identification of equipment:	Date Started	Date Completed	Base Rate	Charges
Miles Operated _____	Maximum Miles _____			
Number of Excessive Miles _____	Rate per Mile _____			
Number of Excessive Hours _____	Rate per Hour _____			
Number of Hours for Helpers _____	Rate per Hour _____			
Other Charges _____				
Total to Collect _____				

Certification of Data:

Shipper _____ Carrier _____

By _____ By _____

(j) Within 20 days after the completion of the monthly transaction period the shipper shall remit and the carrier shall collect the charges, or, in the event shipper does not agree with the charges so determined, he shall within the aforementioned 20-day period notify the carrier of the exceptions taken to the charges.

(k) The original or a copy of the written agreement and the freight bill shall be retained and preserved by the carrier, subject to Commission inspection, for a period of not less than three years from the date of their issuance.

(End of Appendix "A")