

**ORIGINAL**

Decision No. 63348

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Case No. 5432  
(Petition for Modifi-  
cation No. 251)  
(Filed January 22, 1962)

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

Application No. 44120  
(Filed January 22, 1962)

OPINION AND ORDER

By Decision No. 61634, dated March 7, 1961, Pozas Bros. Trucking Co., a corporation, was authorized to assess hourly rates in lieu of the established minimum rates otherwise applicable for special expedited service of shipments having origin or destination within 10 miles of Sunnyvale. On commodities and between points which it serves as a highway common carrier, the special hourly rates are published in petitioner's tariffs. As a highway permit carrier, the authority was granted to apply on shipments transported for Westinghouse Electric Corporation. The authority is scheduled to expire March 27, 1962.

By this petition and application, applicant seeks an extension of its current authority for a further one-year period, but at increased hourly rates of \$9.20 and \$10.20 rather than those

of \$8.20 and \$9.20 now applicable for equipment with a rated capacity of  $1\frac{1}{2}$  tons and  $3\frac{1}{2}$  tons, respectively.<sup>1</sup> Authority 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 prior petition and application exists at present in every respect. An exhibit submitted with the application contains an analysis of the costs of performing the special expedited service herein involved. The exhibit indicates that there have been adjustments in the expenses incurred in conducting this operation since the previous filing. It also indicates that the proposed rates are expected to return to petitioner net earnings of 62.2 cents and 77.3 cents per hour for the  $1\frac{1}{2}$ -ton and  $3\frac{1}{2}$ -ton vehicles, respectively, resulting in the same operating ratio as was developed in the prior petition and application.

The verified filing shows that, on or about January 19, 1962, a copy thereof was 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.

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

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<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, 1962, is required, however, inasmuch as the proposed rates are based on a different unit of measurement than are the minimum rates otherwise applicable.

Good cause appearing,

IT IS ORDERED that:

(1) 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, 1963, the rates and rules for Special Expedited Service set forth in Appendix A attached hereto and by this reference 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) 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 by this reference made a part hereof, in lieu of, but not less than, the minimum rates otherwise applicable.

(3) The authority granted in Ordering Paragraph (2) above shall, on and after March 27, 1962, supersede the authority granted by Decision No. 61634 and shall expire with March 27, 1963.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of February, 1962.

Carol W. Rago  
President  
[Signature]  
[Signature]  
Fredrick B. Holhoff

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

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Commissioners

63348

## APPENDIX A to Decision No. \_\_\_\_\_

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	920
3-1/2	1020

- (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 1-A 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)

63348

APPENDIX B to Decision No. \_\_\_\_\_

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	920
3-1/2	1020

- (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 California Public Utilities Commission.

(End of Appendix B)