

63382

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
)
 LADS FURNITURE FREIGHT, INC. to)
 establish Substituted Freight Service)
 with the Southern Pacific Company)
)
 For an order to maintain authorized)
 departures from the provisions of)
 Article XII, Section 21, of the)
 Constitution of the State of)
 California and Section 460 and 491)
 of the Public Utilities Code)

Application No. 44103
(Filed January 15, 1962)

OPINION AND ORDER

By this application Lads Furniture Freight, Inc., seeks authority to publish, on less than statutory notice, rules and regulations necessary to permit applicant to avail itself of trailer-on-flatcar facilities of Southern Pacific Company, as a substitute for highway service, between Los Angeles, on the one hand, and Fresno, Oakland, Roseville, Salinas, San Francisco, San Jose, San Luis Obispo, Santa Barbara and Stockton, 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 in connection with rates that are currently maintained by applicant. Lads Furniture Freight, Inc., possesses a certificate of public convenience and necessity from this Commission authorizing transportation of uncrated new furniture and related items between, among others, the points for which substituted service authority is herein sought.

The application proposes that Southern Pacific Company will substitute its service for that of Lads Furniture Freight, Inc., at

the option and at the rates of the latter published in Lads Furniture Freight, Inc., Local Freight Tariff No. 3, Cal.P.U.C. No. 4, for service performed entirely by truck. The proposed tariff rules would provide that, if the shipper so directs, rail substituted service will not be performed. The application states that Southern Pacific Company has informed applicant by letter dated December 18, 1961, that it concurs in the substitution of rail for truck service. The Commission has granted similar authority to other highway carriers.

The application shows that on or about January 12, 1962, copies thereof were served on competing carriers and California Trucking Associations, Inc. No objection has been received to its being granted.

In the circumstances, it appears, and the Commission finds, that the establishment of the substituted service, as set forth in the following order, on ten days' notice, will not be adverse to the public interest. A public hearing is not necessary. The application will be granted.

Good cause appearing,

IT IS ORDERED that:


(1) Lads Furniture Freight, Inc., is hereby authorized to publish, on not less than ten days' notice to the Commission and to the public, tariff provisions for substitute rail service with Southern Pacific Company as proposed in Application No. 44103, subject to the conditions that the tariff rules to be published (a) shall clearly state the conditions of the substituted service, (b) shall clearly provide that the shipper will have the option of specifying through single line service if desired and (c) that the tariff filings issued pursuant to the authority herein granted shall comply in all respects with the provisions of General Order No. 80.

(2) Lads Furniture Freight, Inc., and Southern Pacific Company are hereby authorized 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 in connection with rates currently maintained under outstanding long-and-short-haul authorities to the extent necessary to publish the tariff provisions herein proposed.

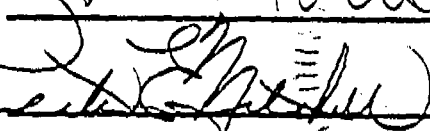
(3) The authority herein granted shall expire unless exercised within 120 days after the effective date hereof.

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

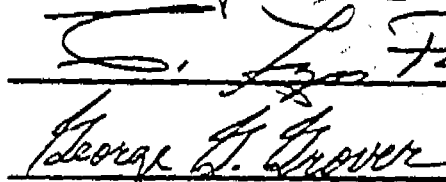
Dated at San Francisco, California, this 6th day of March, 1962.



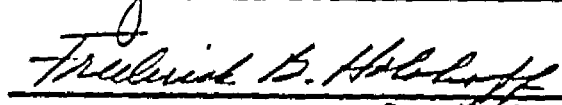
President



S. Leo Fox



George A. Crover



Commissioners