

ORIGINAL

Decision No. 63703

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application	)	
of E. J. McSweeney, Agent, for	)	
permission under Section Nos. 454,	)	Application No. 44323
460, and 490 of the Public	)	(Filed April 6, 1962)
Utilities Code to publish certain	)	
tariff provisions.	)	

OPINION AND ORDER

E. J. McSweeney, Agent, on behalf of Pacific Motor Trucking Company and Pacific Motor Transport Company, publishes tariffs setting forth rates, rules and regulations for the transportation of property between points in California.<sup>1</sup>

By this application, authority is sought to cancel through routes and joint rail competitive rates maintained between points served by Pacific Motor Trucking Company and Pacific Motor Transport Company, on the one hand, and points served by 30 other common carriers parties to Local and Joint Freight and Express Tariff No. 1, Cal. P.U.C. No. 1, E. J. McSweeney, Agent, on the other hand. All of the points herein involved are served locally by Pacific Motor Trucking Company and Pacific Motor Transport Company.

The application states that until recently all rail competitive rates established in the above tariff have been published in such a manner that they applied jointly over the lines of all carriers participating in the tariff via Pacific Motor Trucking Company and Pacific Motor Transport Company; that it was never the purpose of applicant to publish rail competitive rates having joint application;

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Insofar as joint rates are concerned, E. J. McSweeney is also agent for 30 other carriers involved in this proceeding.

that such rail competitive rates were intended only to apply over the lines of Pacific Motor Trucking Company and/or Pacific Motor Transport Company; and that to the best of applicant's knowledge such intent has existed since the rates in question were first established many years ago. The application alleges that since all of the rates sought to be canceled apply between points served locally by Pacific Motor Trucking Company and Pacific Motor Transport Company, operations can be performed more efficiently by Pacific Motor Trucking Company and Pacific Motor Transport Company than jointly with other carriers.

The application states that to the best of applicant's knowledge no shipments have ever moved under the joint arrangements herein involved. Applicant states that it is willing to stipulate that if any shipper requests the re-establishment of any of the joint rail competitive rates herein proposed to be restricted within a period of a year from the time of restriction, it will proceed immediately to seek the necessary authority and publish the joint rail competitive rate or rates requested by said shipper.

In the circumstances, it appears that the proposed cancellation of joint rates will not be adverse to the public interest and is justified. A public hearing is not necessary. The application will be granted.

Good cause appearing,

IT IS ORDERED that:

1. E. J. McSweeney, Agent, is hereby authorized to publish, on behalf of carriers participating in his Local and Joint Freight and Express Tariff No. 1, Cal. P.U.C. No. 1, E. J. McSweeney, Agent,

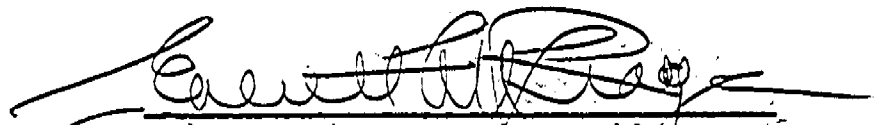
tariff provisions for the cancellation and restriction of rail competitive through routes and joint rates as proposed in the above-numbered application.


2. The tariff filings made pursuant to the authority herein granted shall be made effective not earlier than thirty days after the effective date of this order and on not less than thirty days' notice to the Commission and the public.

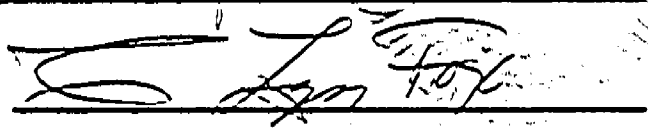
3. The authority herein granted shall expire unless exercised within sixty days after the effective date of this order.

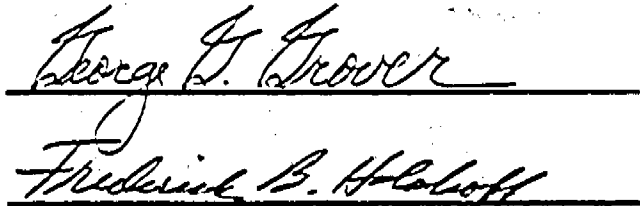
This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of May, 1962.

  
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President

  
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J. E. Dredell

  
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George G. Grover

  
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Frederick B. Halloff  
Commissioners