

63361

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 THOMAS A. REILLEY, as Executor of)
 the Estate of H. F. Reilley, Deceased,)
 dba REILLEY TRUCK LINE and CALIFORNIA)
 FIREPROOF STORAGE & TRANSFER CO. and)
 REILLEY TRUCK LINE, a corporation,)
 for authority of REILLEY TRUCK LINE,)
 a corporation, to purchase REILLEY)
 TRUCK LINE, a proprietorship, and)
 CALIFORNIA FIREPROOF STORAGE &)
 TRANSFER CO.; and for authority of)
 REILLEY TRUCK LINE, a corporation,)
 to issue stock.)

Application No. 43948

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 63241 dated February 13, 1962, in this proceeding Thomas A. Reilley, Executor of the Estate of H. F. Reilley, deceased (Reilley), was authorized to sell and transfer to Reilley Truck Line, a corporation, a highway common carrier certificate of public convenience and necessity, among other things. The decision required that effective concurrently with the consummation of the transfer of the certificate applicants shall supplement or reissue tariffs published by Reilley to show that Reilley has withdrawn or canceled and Reilley Truck Line has adopted or established as its own such tariffs. By petition for Modification filed in this proceeding on May 14, 1962, applicants seek authority to cancel Reilley's Local Freight Tariff No. 3 and concurrently establish for the corporation's account rates named in Pacific Coast Tariff Bureau's Local and Joint Tariff No. 16, Cal.P.U.C. No. 1(E) and No. 19(F), C. R. Nickerson, Agent, rather than adopt Reilley's current tariffs. Authority is also sought to cancel certain commodity rates published in Reilley's tariff resulting in certain technical increases.

As justification for the sought cancellation of Reilley's Tariff No. 3 the petition alleges, among other things, that the

tariff was misconceived in purpose and scope from the date of its original publication; that it does not accurately describe the lawful rates or offer of service by Reilley Truck Line to the shipping public; that it contains in excess of 280 pages and is costly to maintain and keep current; that it is not in wide circulation nor extensively relied upon by the shipping public; and that it does not contain joint rates which are needed.

The reasons set forth in the petition for the requested authority to substitute the Bureau's Tariff No. 16 in place of Reilley's tariff are that the class rates and some of the commodity rates in Reilley's tariff are duplicated in Tariff No. 16; that the corporation will derive certain advantages from being a member of a tariff publishing bureau; that the overall tariff publishing cost will be less than 20 per cent of Reilley's present costs; and that Tariff No. 16 contains desired joint rates.

Reasons set forth in the petition for canceling certain of the commodity rates are that such rates have not attracted any of the traffic for which they were intended; that certain of the rates are on commodities for which minimum rates have not been established which are published at depressed levels and are non-productive of revenue; that certain of the rates do not meet the costs of providing the service; and that the commodity rates presently being used by the shippers will be carried forward to Tariff No. 16.

Petitioners assert that they know of no common carrier or member of the shipping public interested in the petition, but nevertheless have served copies thereof on California Trucking Associations, Inc., and on the present patrons of Reilley Truck Line on or about May 11, 1962. No objection to the granting of this petition has been received.

In the circumstances it appears and the Commission finds that the Petition for Modification should be granted and that rate

increases resulting from the proposed tariff changes are justified. A public hearing is not necessary. The time limit in which applicants may comply with the provisions of Decision No. 63241 expires on June 30, 1962. To allow time for the necessary tariff changes, the time limit will be extended to July 31, 1962.

Good cause appearing,

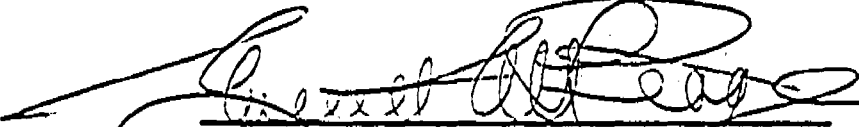
IT IS ORDERED that:

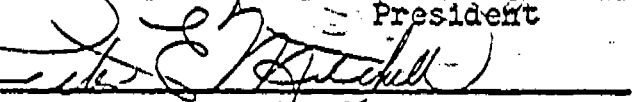
1. The time within which applicants shall comply with the requirements of Ordering Paragraph 4 of Decision No. 63241 is extended to July 31, 1962.

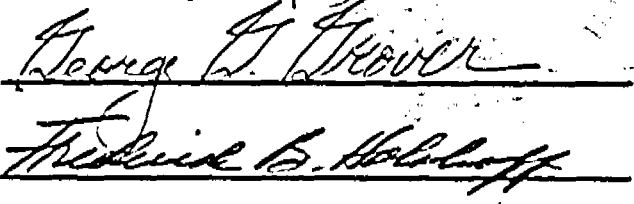
2. Applicants are hereby authorized to cancel Local Freight Tariff No. 3, Cal.P.U.C. No. 1, issued by H.F. Reilley, dba Reilley Truck Line; and to concurrently establish the rates, rules and regulations of Pacific Coast Tariff Bureau Local and Joint Tariff No. 16, Cal.P.U.C., Nos. 1 (E) and 19(F), C.R. Nickerson, Agent, as proposed in Petition for Modification filed May 14, 1962, in this proceeding. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and the public.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 26th day of June, 1962.



President


George L. Brown


Frederick B. Holbrook

Commissioners