

**ORIGINAL**

Decision No. 65038

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 car- )  
riers and city carriers relating to )  
the transportation of any and all )  
commodities between and within all )  
points and places in the State of )  
California (including, but not )  
limited to, transportation for which )  
rates are provided in Minimum Rate )  
Tariff No. 2).

Case No. 5432  
(Petition for Modification  
No. 287)  
(Filed January 25, 1963)

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. 45140  
(Filed January 25, 1963)

OPINION AND ORDER

By Decision No. 63348, dated February 26, 1962, Pozas Bros. Trucking Co., a corporation, was authorized to assess specified 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 hourly rates are published in petitioner's tariff. For other commodities and between other points the authority was granted to applicant as a highway permit carrier to apply on shipments transported for Westinghouse Electric Corporation. The authorities are scheduled to expire with March 27, 1963. By this petition and application, applicant seeks an extension of the current authorities for a further one-year period.

The application states that the justification for the relief set forth in the prior petition and application exists at present in every respect; that the increases established by Decision No. 63348, supra, have proved fully compensatory and are still profitable; that there have been no substantial increases in cost and none are in prospect which require any further adjustment at this time; that it is anticipated that the present level of rates for the service involved will produce satisfactory profits for the ensuing one-year period; that the revenues from the involved service are important to the applicant; and that such revenues are helpful in maintaining financially successful overall service.

The verified filing shows that, on or about January 24, 1963, a copy thereof was mailed to all parties of record. No objection to the granting of the petition and application has been received.

The proposed rates herein in issue are hourly rates applicable to expedited service requiring special trips. Although differing in unit of measurement from the minimum rates otherwise applicable, which are stated in cents per 100 pounds of property transported, the hourly rates in general may be expected to produce charges greater than those which would result under the minimum rate tariff. In fact, the special rate authorities, as heretofore granted to applicant and as proposed herein to be continued, are conditioned by the provision that in no event shall the charges determined thereunder be less than the applicable minimum rates provided in the currently effective minimum rate orders of the Commission.

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

Good cause appearing,

IT IS ORDERED that:

1. Pozas Bros. Trucking Co., a corporation, is hereby authorized to publish and file the rates and rules for Special Expedited Service set forth in Appendix A attached hereto and by this reference made a part hereof. The rates and charges authorized herein shall be published to expire with March 27, 1964.

2. The tariff publications authorized to be made as a result of the order herein may be made effective not earlier than ten days after the effective date hereof on not less than ten days' notice to the Commission and to the public.

3. Pozas Bros. Trucking Co., a corporation, is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

4. 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.

5. The authority granted in Ordering Paragraph 4 above shall, on and after March 27, 1963, supersede the authority granted by Decision No. 63348 and shall expire with March 27, 1964.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day  
of March, 1963.

George A. Grover

President

Ernest W. [unclear]

Fredrick B. Hobbhoff

William W. Bennett

Commissioners

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

APPENDIX A to Decision No. 65038

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)

65038

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)