

65554

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DEALERS TRANSIT, INC., a corporation,)
for authority to depart from the rates,)
rules and regulations of Minimum Rate)
Tariff No. 2 and Minimum Rate Tariff)
No. 5, under the provisions of the)
Highway Carriers' Act and the City)
Carriers' Act.)

Application No. 45410
(Filed May 7, 1963)

OPINION AND ORDER

By Decision No. 63704, dated May 14, 1962, in Application No. 44339, Belyea Truck Co., a corporation, was authorized as a highway permit carrier to quote and assess rates and accessorial charges based upon a unit of measurement different from that in which the minimum rates and charges are stated, subject to certain conditions. The authority is limited to the transportation of mining and contractors' equipment, boats, airplanes, and commodities which, by reason of size or weight, require special equipment or handling, including incidental materials, equipment or supplies transported as a part of the same shipment. The current authority is scheduled to expire June 11, 1963. By this application, Dealers Transit, Inc., as the successor to Belyea Truck Co., seeks to have the authority to deviate from the minimum rates as hereinabove specified extended for a one-year period.¹

¹ Dealers Transit, Inc., acquired control of Belyea Truck Co. through purchase of its capital stock and merger of operative rights and properties. By Decision No. 65146 dated April 2, 1963, in Application No. 45020, Dealers Transit, Inc., was authorized to acquire, on or before June 30, 1963, certain highway common carrier and petroleum irregular route carrier operative rights not involved in this proceeding.

Applicant holds radial highway common, highway contract and city carrier permits. It states that, by virtue of the acquisition and merger of Belyea Truck Co., it is engaged in the same type of transportation which justified the aforementioned deviation authority; that the details for such justification were first presented to the Commission in 1952; and that the operations as herein involved have not changed in any material respect. Applicant further states that the allegations in its 1952 Application No. 33161 are relevant and applicable herein; that there have been no material changes in transportation conditions; that the type and character of property and nature of the transportation render it completely impracticable, in applicant's experience, to follow the form of the outstanding minimum rates and charges from a quotation standpoint. It is alleged that at no time will charges assessed be less than those which would result under the minimum rate tariffs involved; that the sought authority is required for the future if the public is to be served adequately in the transportation field within which applicant is primarily engaged; and that, if resolved as requested, the matters involved would have no adverse effect upon any other carrier.

The application shows that a copy thereof was served on the California Trucking Association on or about May 6, 1963. No objection to its being granted has been received.

The rate deviation herein involved was first authorized by Decision No. 47201 dated May 27, 1952, in Application No. 33161. In view of the substantial time interval since the aforesaid date and in consideration of the change in the carrier performing the service,

A. 45410 - dd

the application will be set for public hearing. Meanwhile, pending receipt of further evidence from the applicant and any other interested parties, the applicant will be authorized to quote and assess rates on the sought basis for a period of approximately 120 days.

Subject to further review upon consideration of additional evidence which may be adduced at a public hearing to be scheduled in this proceeding, it appears, and the Commission finds, that the proposed basis of charges is reasonable and consistent with the public interest.

In view of the expiration date of the current authority, the order which follows will be made effective June 11, 1963.

Good cause appearing,

IT IS ORDERED that:

1. Dealers Transit, Inc., a corporation, operating as a highway permit carrier, is hereby authorized to quote and assess rates and accessorial charges based upon a unit of measurement different from that in which the minimum rates and charges in Minimum Rate Tariffs Nos. 2 and 5 are stated.

2. The authority herein granted is hereby restricted to the transportation of mining and contractors' equipment, boats, airplanes, and commodities which, by reason of size or weight, require special equipment or handling, including incidental materials, equipment or supplies transported as part of the same shipment.

3. The authority herein granted shall expire with October 9, 1963.

A. 45410 - dd

4. Applicant shall retain and preserve copies of its freight bills, subject to the Commission's inspection, for a period of not less than three years from the dates of issuance thereof; and that each such copy of its freight bills shall have attached thereto a statement of the charges which would have been assessed if the minimum rates had been applied and the full information necessary for accurate determination of the charges under the minimum rates.

This order shall become effective June 11, 1963.

Dated at San Francisco, California, this 17th day of June, 1963.

George L. Grover
President

Frederick B. Holschuff

William G. Bennett

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the deliberations of this Commission's members