

66582

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of: AGENT C.R. NICKERSON to)
establish Substituted Freight)
Service)
For account of:)
POZAS BROS. TRUCKING CO.)
SOUTHERN PACIFIC COMPANY)

Application No. 45868
(Filed October 16, 1963)

For an order to maintain authorized)
departures from the provisions of)
Article XII, Section 21, of the)
Constitution of the State of)
California, and Sections 460 and)
491 of the Public Utilities Code.)

OPINION AND ORDER

By this application, C. R. Nickerson, as agent for Pozas Bros. Trucking Co. and Southern Pacific Company, seeks authority to publish tariff rules necessary to permit Pozas Bros. Trucking Co., to avail itself of trailer-on-flatcar facilities of Southern Pacific Company between Los Angeles and San Jose, as a substitute for highway service between these points. Authority is also sought to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code in connection with rates that are currently maintained for the account of Pozas Bros. Trucking Co. under outstanding long- and short-haul authorities, and to make the tariff publication effective on five days' notice to the Commission and to the public.

The application proposes that Southern Pacific Company will substitute its service for that of Pozas Bros. Trucking Co., at the option of the latter and at the rates published for the

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account of Pozas Bros. Trucking Co., for service performed entirely by truck. The proposed tariff publication would provide that rail substituted service will not be used if the shipper so directs.

The application shows that a copy thereof was served upon California Trucking Association on or about October 11, 1963. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the establishment of the substituted service, 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. Agent C. R. Nickerson is hereby authorized to publish, on behalf of Pozas Bros. Trucking Co. and Southern Pacific Company, tariff provisions for substitute rail service as proposed in the above application.

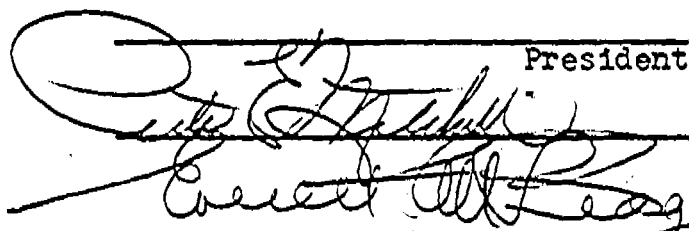
2. The carriers named in the above-numbered application are hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code in connection with rates that are currently maintained for the account of Pozas Bros. Trucking Co. under outstanding long- and short-haul authorities.

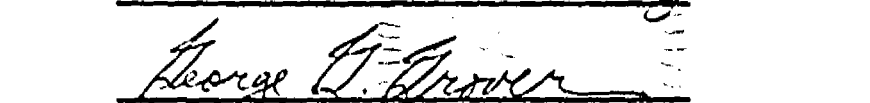
3. The tariff filings made pursuant to the authority herein granted shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public.

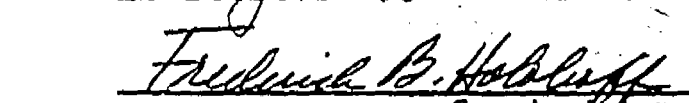
4. The authority herein granted shall expire unless exercised within 120 days after the effective date hereof.

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

Dated at San Francisco, California, this 7th day of January, 1964.



President




Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.