

**ORIGINAL**

Decision No. 68396

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application )  
of DART TRANSPORTATION SERVICE, )  
a corporation, for authority to )  
continue to depart from the )  
rates, rules and regulations of )  
Minimum Rate Tariff No. 2 under )  
the provisions of the Highway Car- )  
riers Act on transportation for )  
the account of Sears, Roebuck )  
and Company. )

Application No. 47089  
(Filed November 4, 1964)

OPINION AND ORDER

Dart Transportation Service holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 66549 dated December 27, 1963, in Application No. 45924, it was authorized to charge less than the minimum rates otherwise applicable for the transportation of property for Sears, Roebuck and Company. The transportation applies from shipper's consolidation station at 1337 South Eastman Avenue, Los Angeles, to its retail stores and retail store warehouses located in various specified cities throughout the state. This authority is scheduled to expire with January 1, 1965.

By this application, applicant seeks to modify the currently authorized rates and extend the authority for a further one-year period.<sup>1</sup> Applicant also proposes to delete Marysville as a point of destination.

Applicant alleges that, except for increased costs, the conditions surrounding the transportation in question which justified

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<sup>1</sup> Applicant proposes to assess certain rates higher than those now authorized. However, no authority for the increase is required inasmuch as applicant performs the transportation as a highway permit carrier for which only minimum rates have been established. Authority to continue the use of the sought rates beyond January 1, 1965, is required inasmuch as these rates are below the minimum rates otherwise applicable.

deviation from the minimum rates still exist and the proposed rates give recognition to the costs experienced by it.

Applicant avers that the Marysville store has been re-located at Yuba City and deletion of the former city as a point of destination was requested by the shipper. Applicant asserts that the operations involved are entirely satisfactory to itself and the shipper. It is further asserted that applicant is desirous of retaining this business which represents a substantial portion of its entire revenue and the proposed rates are reasonable. Data furnished by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable in the future.

The application shows that a copy thereof was served on Sears, Roebuck and Company and on California Trucking Association. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. A public hearing is not necessary. The application should be granted.

In view of the expiration date of the current authority, the order which follows will be made effective January 1, 1965.

IT IS ORDERED that:

1. Dart Transportation Service, a corporation, is hereby authorized to transport property for Sears, Roebuck and Company at less than the established minimum rates but not less than those set forth in, and subject to the provisions shown in, Appendix A attached hereto and by this reference made a part hereof.

2. The authority herein granted shall, on and after January 1, 1965, supersede the authority granted by Decision No. 66549 and shall expire with January 1, 1966.

The effective date of this order shall be January 1, 1965.

Dated at San Francisco, California, this 22<sup>nd</sup> day of December, 1964.

Frederick B. Hallock  
President  
George E. Mitchell  
Wesley C. Brown  
George H. Brown  
William W. Bennett  
Commissioners

APPENDIX A TO DECISION NO 68396

Schedule of Minimum Rates, Including Limitations and  
Conditions, Applicable to the Transportation of  
Property for Sears, Roebuck and Company by  
Dart Transportation Service

## Section 1

Item 10. Application of Rates - General

To the extent that Minimum Rate Tariff No. 2 prescribes minimum rates for the transportation of property; said minimum rates, rules and regulations are applicable to all shipments except as specifically provided in Section 2.

## Section 2

Item 20 Application of Rates - Territorial

Rates in this section apply to the transportation of property from 1337 South Eastman Avenue, Los Angeles, to retail stores and retail store warehouses of Sears, Roebuck and Company located at Antioch, Bakersfield, Concord, Fresno, Hanford, Hayward, Modesto, Mountain View, Oakland, Sacramento, Salinas, San Francisco, San Jose, San Leandro, San Mateo, Stockton, Santa Rosa, Vallejo, Visalia, Walnut Creek and Yuba City.

Item 30. Application of Rates - Commodities

Rates in this section apply only to such articles regularly sold or to be offered for sale by Sears, Roebuck and Company in its mail order and chain retail department store businesses.

Item 40. Application of Rates - Limitations and Conditions

Except as provided in Item 60, rates in this section are subject to the following conditions:

- (a) All property must be loaded into carriers' equipment by the shipper and tendered to the carrier with the vehicle sealed by the shipper.
- (b) Shipping documents must bear the notation "Shippers Load and Count."
- (c) Carrier shall be absolved from liability and shall not accept liability for loss, damage, nonreceipt or misdescription of the goods, other than that where the collision or overturning of the vehicle is the proximate cause thereof, provided the vehicle is received at destination with seals intact.
- (d) In the case of a split-delivery shipment, unless the vehicle is resealed at all points of destination, until such time as it is completely unloaded, the carrier shall be absolved from liability and shall not accept liability for loss, damage, nonreceipt or misdescription of the goods, other than that where the collision or overturning of the vehicle is the proximate cause thereof, provided the vehicle is received at the first point of destination with seals intact.

Item 50. Shipping Documents

Carrier may accept from the shipper component parts of a shipment, including a split-delivery shipment, being progressively received, handled and loaded into the carrier's equipment during a 24-hour period, exclusive of Saturdays, Sundays and holidays, prior to being furnished with manifest or written delivery instructions covering the entire shipment.

Item 60. Split Pickup - Exception to Classification

Components of a split-pickup shipment received at 1337 South Eastman Avenue, Los Angeles, shall be rated as 94 per cent of first class. Split-pickup shipments shall not be subject to Items 40 and 70. Item 50 shall apply only on the components picked up at 1337 South Eastman Avenue, Los Angeles.

Item 70. Rates (In Cents per 100 Pounds)<sup>1</sup>

Property as Described in Item 30

FROM: 1337 South Eastman Avenue, Los Angeles.

TO:	A.O.	Minimum Weight in Pounds		
		4,000	10,000	20,000
Antioch )				
Hayward )				
Modesto )				
Mountain View )				
Oakland )				
Sacramento )	286	176	122	106
Salinas )				
San Francisco )				
San Jose )				
San Leandro )				
San Mateo )				
Stockton )				
Bakersfield	244	124	76	66
Concord	303	176	140	122
Fresno	271	146	104	87
Hanford	267	143	101	85
Santa Rosa	319	190	154	135
Vallejo	314	185	148	130
Visalia	261	140	99	82
Walnut Creek	308	181	144	126
Yuba City	314	185	148	130

<sup>1</sup> Subject to all increases, surcharges and split delivery charges prescribed in Minimum Rate Tariff No. 2 and supplements thereto.

Not applicable to split-pickup shipments.

The rate for transportation of a split delivery shipment shall be the charges applicable to the highest rated destination predicated on the minimum weight or actual weight of the entire shipment whichever is greater.

(END OF APPENDIX A)