

ORIGINAL

Decision No. 68468

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

C. R. NICKERSON, Attorney and Agent,)

For authority to cancel joint rates)
between Devincenzi, A. M. Company,)
Bruno Albert Malucchi, dba, on the)
one hand and Stewart Drayage Lines,)
Harold S. Scott, dba, on the other,)
presently published in Pacific Coast)
Tariff Bureau Tariff No. 16, Cal.)
P.U.C. No. 1 (Express) and No. 19)
(Freight), of Agent C. R. Nickerson.)

Application No. 47133
(Filed November 23, 1964)

and to depart from the terms of)
Section 454 of the Public Utilities)
Code to accomplish desired cancel-)
lation.)

OPINION AND ORDER

By this application, authority is sought to cancel, on statutory notice, joint rates between points served by Bruno Albert Malucchi, doing business as A. M. Devincenzi Company, on the one hand, and Harold S. Scott, doing business as Stewart Drayage Lines, on the other hand.¹

According to the application, no freight of any kind has been interchanged between Stewart Drayage Lines and A. M. Devincenzi Company since the establishment of the joint rates on May 1, 1963, and no future movement is anticipated.

¹ The joint rates in question are published in Pacific Coast Tariff Bureau, California Motor Freight, Local and Joint Freight and Express Tariff No. 16, Cal.P.U.C. No. 1 (Express) and 19 (Freight), of C. R. Nickerson, Agent.

The application states that Stewart Drayage Lines became a participant in Western Motor Tariff Bureau Tariff No. 111, Cal.P.U.C. No. 15, effective November 1, 1964, and it maintains joint rates in this tariff with other motor carriers serving the same territory as A. M. Devincenzi Company. The application further states that the shipping public will not be deprived of adequate through daily service at the current level of rates. It is averred by Stewart Drayage Lines that the proposed cancellation of joint rates will obviate the necessity for it to maintain its participation in applicant's Tariff No. 16, Cal.P.U.C. No. 1 (Express) and 19 (Freight), when no benefit is derived therefrom. Ex parte action is requested.

The certificate of service shows that a copy of the application was mailed to Bruno Albert Malucchi, Harold S. Scott, and California Trucking Association on November 18, 1964. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the cancellation of joint rates as proposed in this application is justified. A public hearing is not necessary. The application should be granted.

IT IS ORDERED that:

1. C. R. Nickerson, Agent, is hereby authorized to cancel joint rates as proposed in this application.
2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and to the public.

3. The authority herein granted shall expire unless exercised within sixty days after the effective date of this order. This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 12th day of January, 1965.

Fredrick B. Holloff
President
Peter E. Mitchell
George E. Hoover
William L. Bennett
Commissioners