

ORIGINAL

Decision No. 68628

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 MERCHANTS EXPRESS OF)
 CALIFORNIA, on the one hand, and)
 WEST BERKELEY EXPRESS AND DRAYING)
 CO., Evelyn O. Simmonds, 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.)

-AND-

To eliminate Merchants Express of)
 California from list of participat-)
 ing carriers in the same tariff, as)
 no published matter will remain in)
 effect for their account on and)
 after cancellation of joint rates)
 as hereinabove proposed.)

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

Application No. 47192
 (Filed December 16, 1964)

OPINION AND ORDER

By this application, authority is sought to cancel joint rates published between points served by Merchants Express of California (Merchants), on the one hand, and points served by Evelyn O. Simmonds, doing business as West Berkeley Express and Draying Co. (West Berkeley), on the other hand.¹

¹ Both carriers are highway common carriers of general commodities. The joint rates involved 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 Cal.P.U.C. No. 19 (Freight) of C. R. Nickerson, Agent, hereinafter referred to as Tariff No. 16.

According to the application, the joint rates involved were originally established in June of 1954 between West Berkeley and Way's Freight Line, pursuant to Commission authority. Effective July 25, 1956, Merchants acquired the operative rights and adopted the tariff rates of Way's Freight Lines including the joint rate authority involved herein. Since that time, applicant states there has never been any freight interchanged between Merchants and West Berkeley due to the fact that Merchants serves all of the same points that are served by West Berkeley and any future need of such joint rates does not appear likely.

The application states that the shipping public using the services of either Merchants or West Berkeley would not be deprived of adequate through service at the same level of rates by the proposed cancellation since Merchants can serve all of the territory served by West Berkeley either under its own local rates or under joint rates currently in effect with several other highway common carriers.²

The certificate of service shows that a copy of the application was mailed to all parties named therein as well as California Trucking Association on December 14, 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.

² The other carriers currently having joint rates in effect with Merchants are:

Callison Truck Lines, Inc.
Devincenzi, A.M. Company, Bruno Albert Malucchi, dba
Oregon Nevada California Fast Freight, Inc.
Southern California Freight Forwarders
Southern California Freight Lines, Ltd.

IT IS ORDERED that:

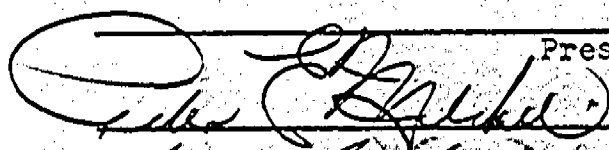
1. C. R. Nickerson, Agent, is hereby authorized to cancel the joint rates as proposed in this application.

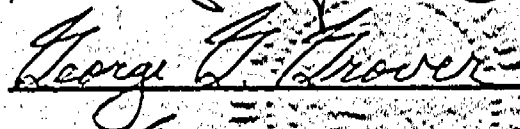
2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and to the public.

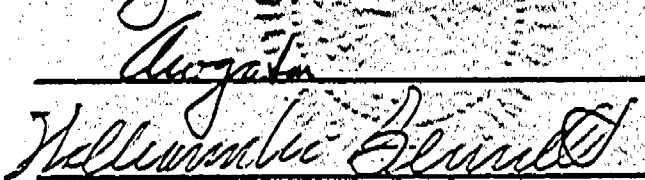
3. The authority herein granted shall expire unless exercised within sixty days after the effective date of this order.

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

Dated at San Francisco, California, this 16th day of February, 1965.



President


George T. Hoover


William B. Stewart
Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.