

ORIGINAL

Decision No. 68935

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relat-)
ing to the transportation of any)
and all commodities between and)
within all points and places in)
the State of California (including,)
but not limited to, transportation)
for which rates are provided in)
Minimum Rate Tariff No. 2).)

Case No. 5432
(Petition for Modification
No. 372)
(Filed February 17, 1965)

In the Matter of the Application)
of POZAS BROS. TRUCKING CO., a)
corporation, for an order author-)
izing departure from the rates,)
rules and regulations of Minimum)
Rate Tariff No. 2, under the pro-)
visions of Section 3666 of the)
Public Utilities Code.)

Application No. 47335
(Filed February 17, 1965)

OPINION AND ORDER

By Decision No. 67173 dated May 5, 1964, Pozas Bros. Trucking Co., a corporation, was authorized, as a highway permit carrier, to assess specified hourly rates in lieu of the established minimum rates otherwise applicable for special expedited service of shipments having origin or destination within 10 miles of Sunnyvale. On commodities and between points which it serves as a highway common carrier, the hourly rates are published in its own tariff. For other commodities and between other points, the authority was granted to applicant as a highway permit carrier to apply on shipments transported for Westinghouse Electric Corporation. These authorities are scheduled to expire with April 30, 1965. By this petition and application, Pozas Bros. Trucking Co., hereinafter called applicant, seeks an extension of the current authorities for a further one-year period.

Applicant alleges that the justification offered for the relief set forth in the prior petition and application still exists at present in every respect and that the currently authorized rates have proved to be fully compensatory and are still profitable. For these reasons, applicant states that no increase in rates is necessary and that no substantial increases in cost are anticipated. According to applicant, the present level of rates for the service involved will produce satisfactory profits for the ensuing year. Applicant asserts that the revenues derived from the transportation service involved are important and are helpful in maintaining a financially successful overall service.

The proposed rates involved herein are hourly rates applicable to expedited service requiring special trips. Although differing in unit of measurement from the minimum rates otherwise applicable, which are stated in cents per 100 pounds, the hourly rates in general may be expected to produce charges greater than those which would result under the minimum rate tariff. The special rate authorities, heretofore granted to applicant and herein proposed to be continued, were and will be conditioned by the provision that in no event shall the charges determined thereunder be less than those determined on the basis of the applicable minimum rates provided in the currently effective minimum rate orders of the Commission.

Data submitted by applicant indicate that the freight charges for the transportation involved exceeded those otherwise applicable under the Commission's minimum rates.

The certificate of service shows that a copy of the petition and application was mailed to all parties of record, including California Trucking Association, on February 16, 1965. No objection to the granting of the petition and application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable and justified by transportation conditions. A public hearing is not necessary. The petition and application should be granted. In view of the impending expiration date of the current authorities, the order which follows will be made effective on the date hereof, and the necessary tariff filing will be permitted on five days' notice.

IT IS ORDERED that:

1. Pozas Bros. Trucking Co., a corporation is hereby authorized to publish and file the rates and rules for Special Expedited Service set forth in Appendix A attached hereto and by this reference made a part hereof. The rates and charges authorized herein shall be published to expire with April 30, 1966.

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

3. Pozas Bros. Trucking Co., a corporation, is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

4. Pozas Bros. Trucking Co., a corporation, is hereby authorized to transport property, as a highway permit carrier, for Westinghouse Electric Corporation in operations not covered by its highway common carrier certificate at the rates and subject to the rules set forth in Appendix B attached hereto and by this reference made a part hereof. The rates and charges authorized herein shall be in lieu of, but not less than, the minimum rates otherwise applicable.

5. The authority granted in Ordering Paragraph 4 above shall, on and after April 30, 1965, supersede the authority granted by Decision No. 67173 and shall expire with April 30, 1966.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 20th day of April, 1965.

Frederick B. Hallock
President

Peter E. Mitchell

George H. Crover

Augusta

William L. Burnett
Commissioners

APPENDIX A to Decision No. 68935

RATES AND RULES FOR SPECIAL EXPEDITED SERVICE
PERFORMED BY POZAS BROS. TRUCKING CO.

SPECIAL EXPEDITED SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (e) will be applicable to such transportation:

<u>Rated Capacity of Equipment (Tons)</u>	<u>Rates (Cents per Hour)</u>
1-1/2	920
3-1/2	1020

- (a) Minimum charge shall be the rate for one hour or the charge accruing at the class rate applicable to such shipment as provided in Sections 1 and 1-A of this tariff, whichever is greater.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 4,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale.

(End of Appendix A)

APPENDIX B to Decision No. 68935RATES AND RULES FOR SPECIAL EXPEDITED SERVICE
PERFORMED BY POZAS BROS. TRUCKING CO.SPECIAL EXPEDITED SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (f) will be applicable to such transportation:

<u>Rated Capacity of Equipment (Tons)</u>	<u>Rates (Cents per Hour)</u>
1-1/2	920
3-1/2	1020

- (a) Minimum charge shall be the rate for one hour.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 4,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale.
- (f) In no event shall the charges determined under the above provisions be less than the applicable minimum rates provided in currently effective minimum rate orders of the California Public Utilities Commission.

(End of Appendix B)