

Decision No. 69396

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PAXTON TRUCKING COMPANY, a corpo-)
 ration, for an order authorizing)
 suspension of a part of the common)
 carrier service authorized by)
 Decision No. 60722, pursuant to the)
 provisions of Section 1070 of the)
 Public Utilities Code of the State of)
 California. }

Application No. 47596
(Filed May 18, 1965)

O P I N I O N

Paxton Trucking Company, presently providing service as a highway common carrier, requests that its authority be amended so as to exclude the transportation of iron and steel, and iron or steel articles, including tinplate, clay and clay products, when such commodities originate at, or are destined to, Kaiser, California. Applicant also requests that its operating authority be amended so as to exclude any transportation as a highway common carrier which might come within the provisions of Minimum Rate Tariff No. 15.

It is alleged that applicant is commonly controlled with Paxton Truck Lines, Inc., a carrier that is engaged in the business of providing service as a contract carrier of various commodities, including iron and steel, and iron or steel articles, including tinplate, and clay and clay products, between various points within the State; Paxton Truck Lines, Inc. also is engaged in the transportation of commodities to and from Kaiser, California, and in addition it is also engaged in the transportation of automotive equipment pursuant to the provisions of Minimum Rate Tariff No. 15; because of the common carrier and possible alter ego relationship, the modification

is requested to avoid the possibility of the operation by applicant as both a highway common carrier and as a contract carrier of the same commodities between the same points; and the matter is of slight importance because the only shipper or receiver of freight located at Kaiser that would be affected is currently being served as a contract account and has expressly stated a preference for contract service.

After consideration the Commission finds that the requested authority relating to the transportation of iron, steel and related commodities would not be adverse to the public interest and to that extent a public hearing is not necessary; however, that portion of the application involving Minimum Rate Tariff No. 15 will be the subject of a public hearing.

O R D E R

IT IS ORDERED that:

1. After the effective date hereof, Paxton Trucking Company shall not transport, as a common carrier, any shipment of iron and steel, and iron or steel articles, including tinsplate, and clay and clay products, when such commodities originate at or are destined to Kaiser, California.

2. Within one hundred twenty days after the effective date hereof applicant shall amend its tariff presently on file with this Commission to reflect the authority herein granted.

3. Appendix A of Decision No. 60722 is hereby amended by substituting First Revised Page 4 attached hereto in place of Original Page 4.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13th day of July, 1965.

Fredrick B. Holbrook
President

George H. Trover

August

Muller
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A
(Decision 60722)

PAXTON TRUCKING COMPANY
(a corporation)

First Revised Page 4
Cancel:
Original Page 4

Applicant may conduct its operation along any street, road, highway or combination of such thoroughfares necessary or convenient to the rendering of its service, including but not limited to the highways set forth in paragraphs (a) through (s) above.

The authority herein granted shall be subject to the following restriction:

- (1) Except for deliveries to and from job sites such as construction projects, oil, gas, or water wells, or mines, oil fields, warehouses or field storage yards, no freight shall be transported in excess of ten miles on either side of the highway designated in paragraphs (a) through (s) above.
- (2) Applicant shall not transport, as a common carrier, any shipments of iron and steel, and iron or steel articles, including tinplate, and clay and clay products, when such commodities originate at, or are destined to, Kaiser California.

Issued by California Public Utilities Commission.

Decision No. 69396, Application No. 47596.