

ORIGINAL

Decision No. 69973

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Leland C. Smith, Agent for an)
order of the Commission authorizing)
the transfer of tariff provisions)
of C & P Corporation, d/b/a Depen-)
dable Truck Lines from issues of)
West Coast Freight Tariff Bureau,)
Inc. to issues of Pacific Motor)
Tariff Bureau, Inc.)

Application No. 47939
(Filed October 4, 1965)

OPINION AND ORDER

By this application, Leland C. Smith, Agent, requests that the Commission issue an order canceling the participation of C & P Corporation, doing business as Dependable Truck Lines, from tariffs issued by West Coast Freight Tariff Bureau, Inc., Richard A. Bennett, Agent (Bennett).¹ Concurrently with the proposed cancellation, applicant seeks authority to publish in his tariffs, on behalf of C & P Corporation, rates and provisions identical to those proposed to be canceled with the exception that any outstanding minimum rate orders not observed by Bennett will be complied with² in the process of transfer.

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The tariffs are Exception Sheet No. 1, Cal.P.U.C. No. 3; Freight Tariff No. 2, Cal.P.U.C. No. 4; Scope of Operative Rights Tariff No. 5, Cal.P.U.C. No. 6; Highway Common Carrier Local and Joint Freight Tariff No. 7, Cal.P.U.C. No. 8; Highway Common Carrier Local Freight Tariff No. 9-A, Cal.P.U.C. No. 14; Highway Common Carrier Local Freight Tariff No. 12, Cal.P.U.C. No. 15; and Local Freight Tariff No. 13, Cal.P.U.C. No. 16.

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The tariffs are Pacific Motor Tariff Bureau, Inc., Exception Sheet No. 1, Cal.P.U.C. No. 4; Local Freight Tariff No. 6-F, Cal.P.U.C. No. 5; Local Freight Tariff No. 8-A, Cal.P.U.C. No. 1 (Series of D. W. Baker, Agent); and Scope of Operations Tariff No. 9, Cal.P.U.C. No. 1 (Series of Maurice A. Owens, Agent).

Applicant states that Bennett has not performed his duties in connection with recent minimum rate orders of this Commission. Decision No. 69735 dated September 28, 1965, in Application No. 43832 provided for the suspension of the highway common carrier certificate of C & P Corporation for failure to comply with the Commission's minimum rate orders but the effective date of the order was stayed by the timely filing of a written request for public hearing. The proposed carrier participation in Agent Smith's tariffs should insure compliance with the Commission's minimum rate orders.

The certificate of service shows that a copy of the application was mailed to California Trucking Association on October 4, 1965. The application was listed on the Commission's Daily Calendar of October 5, 1965. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed cancellation of carrier participation from Bennett's tariffs and the concurrent participation in the tariffs of Leland C. Smith are justified. A public hearing is not necessary. The Commission concludes that the application should be granted and the order providing for the suspension of the carrier's operative right should be vacated upon the effectiveness of the authorized tariff filings. Inasmuch as the continued participation of C & P Corporation in Bennett's tariffs would result in further minimum rate violations, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. Leland C. Smith, Agent, is hereby authorized to publish, for and on behalf of C & P Corporation, doing business as

Dependable Truck Lines, rates, rules and regulations in the following tariffs of Pacific Motor Tariff Bureau, Inc., as proposed in the application:

Exception Sheet No. 1, Cal.P.U.C. No. 4;
Local Freight Tariff No. 6-F, Cal.P.U.C. No. 5;
Local Freight Tariff No. 8-A, Cal.P.U.C. No. 1
(Series of D. W. Baker, Agent); and
Scope of Operations Tariff No. 9, Cal.P.U.C. No. 1
(Series of Maurice A. Owens, Agent).

2. Concurrently effective with the tariff filings authorized in Ordering Paragraph 1 hereof, the participation of C & P Corporation, doing business as Dependable Truck Lines, is hereby canceled from the following tariffs issued by West Coast Freight Tariff Bureau, Inc., Richard A. Bennett, Agent:

Exception Sheet No. 1, Cal.P.U.C. No. 3;
Freight Tariff No. 2, Cal.P.U.C. No. 4;
Scope of Operative Rights Tariff No. 5,
Cal.P.U.C. No. 6;
Highway Common Carrier Local and Joint Freight
Tariff No. 7, Cal.P.U.C. No. 8;
Highway Common Carrier Local Freight Tariff
No. 9-A, Cal.P.U.C. No. 14;
Highway Common Carrier Local Freight Tariff
No. 12, Cal.P.U.C. No. 15; and
Local Freight Tariff No. 13, Cal.P.U.C. No. 16.

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

4. Concurrently effective with the tariff filings authorized in Ordering Paragraph 1 hereof, Decision No. 69735 dated September 28, 1965, in Application No. 43832 is hereby vacated and set aside.

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

This order shall become effective on the date hereof.

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

Frederick B. Holcomb
President

George T. Crow

Augusta

William B. Bland

Commissioners

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