

ORIGINAL

Decision No. 70140

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
DART TRANSPORTATION SERVICE, a cor-)
poration, for authority to continue)
to depart from the rates, rules and)
regulations of Minimum Rate Tariff)
No. 2 under the provisions of the)
Highway Carriers Act on transporta-)
tion for the account of Sears,)
Roebuck and Company.)

Application No. 48022
(Filed November 2, 1965)

OPINION AND ORDER

Dart Transportation Service holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 68396 dated December 22, 1964, in Application No. 47089, it was authorized to charge rates less than the minimum rates otherwise applicable for the transportation of property for Sears, Roebuck and Company. The transportation applies from shipper's consolidation station located at 1337 South Eastman Avenue, Los Angeles, to its retail stores and retail store warehouses located in various specified cities throughout the state. The current authority is scheduled to expire with January 1, 1966.

By this application, applicant seeks an extension of the current rate authority for a further one-year period. It also requests that the authority be modified by increasing certain of the currently authorized rates as specifically indicated in Appendix A of the application.¹ According to applicant, the extent of the

¹No authority for the increase in the rates is required from this Commission inasmuch as applicant performs the service as a highway permit carrier for which only minimum rates have been established. Authority to use the sought rates after January 1, 1966, is required, however, inasmuch as the proposed rates are below the minimum rates otherwise applicable. The application was amended by letter dated November 4, 1965, to correct typographical errors pertaining to the 4,000-pound rate to Concord and provisions concerning surcharges, split delivery charges and split delivery shipments.

proposed increases is the same as that recently authorized in connection with the minimum rates named in Minimum Rate Tariff No. 2.²

Applicant alleges that, except for increased costs, the conditions surrounding the transportation in question, which justified the granting of the current minimum rate deviation, still exist and the proposed rates give recognition to cost increases.

Applicant avers that the operations performed under this authority are entirely satisfactory to itself and the shipper, Sears, Roebuck and Company. Applicant is desirous of retaining this business, which represents a substantial portion of its over-all revenue, and considers the rates proposed herein to be reasonable for the transportation service involved.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable for the ensuing year.

The verified application shows that a copy thereof was mailed to Sears, Roebuck and Company and California Trucking Association on October 29, 1965. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted. In view of the impending expiration date of the current authority, the order which follows will be made effective January 1, 1966.

² See Decision No. 69330 dated June 29, 1965, as amended by Decision No. 69753 dated October 5, 1965, in Case No. 5432 (Petition for Modification No. 377).

IT IS ORDERED that:

1. Dart Transportation Service, a corporation, is hereby authorized to transport property for Sears, Roebuck and Company at rates less than the established minimum rates but not less than those set forth in, and subject to the provisions shown in, Appendix A attached hereto and by this reference made a part hereof.

2. The authority herein granted shall, on and after January 1, 1966, supersede the authority granted by Decision No. 68396 and shall expire with January 1, 1967.

The effective date of this order shall be January 1, 1966.

Dated at San Francisco, California, this 21st day of December, 1965.

Fredrick B. Holdhoff
President
Paul E. Mitchell
George B. Hoover
Auditor
Dallas L. Berwick
Commissioners

APPENDIX A TO DECISION NO 70140

Schedule of Minimum Rates, Including Limitations and
 Conditions, Applicable to the Transportation of
 Property for Sears, Roebuck and Company by
Dart Transportation Service

Section 1

Item 10. Application of Rates - General

To the extent that Minimum Rate Tariff No. 2 prescribes minimum rates for the transportation of property, said minimum rates, rules and regulations are applicable to all shipments except as specifically provided in Section 2.

Section 2

Item 20 Application of Rates - Territorial

Rates in this section apply to the transportation of property from 1337 South Eastman Avenue, Los Angeles, to retail stores and retail store warehouses of Sears, Roebuck and Company located at Antioch, Bakersfield, Concord, Fresno, Hanford, Hayward, Modesto, Mountain View, Oakland, Sacramento, Salinas, San Francisco, San Jose, San Leandro, San Mateo, Stockton, Santa Rosa, Vallejo, Visalia, Walnut Creek and Yuba City.

Item 30. Application of Rates - Commodities

Rates in this section apply only to such articles regularly sold or to be offered for sale by Sears, Roebuck and Company in its mail order and chain retail department store businesses.

Item 40. Application of Rates - Limitations and Conditions

Except as provided in Item 60, rates in this section are subject to the following conditions:

- (a) All property must be loaded into carriers' equipment by the shipper and tendered to the carrier with the vehicle sealed by the shipper.
- (b) Shipping documents must bear the notation "Shippers Load and Count."
- (c) Carrier shall be absolved from liability and shall not accept liability for loss, damage, nonreceipt or misdescription of the goods, other than that where the collision or overturning of the vehicle is the proximate cause thereof, provided the vehicle is received at destination with seals intact.
- (d) In the case of a split-delivery shipment, unless the vehicle is resealed at all points of destination, until such time as it is completely unloaded, the carrier shall be absolved from liability and shall not accept liability for loss, damage, nonreceipt or misdescription of the goods, other than that where the collision or overturning of the vehicle is the proximate cause thereof, provided the vehicle is received at the first point of destination with seals intact.

Item 50. Shipping Documents

Carrier may accept from the shipper component parts of a shipment, including a split-delivery shipment, being progressively received, handled and loaded into the carrier's equipment during a 24-hour period, exclusive of Saturdays, Sundays and holidays, prior to being furnished with manifest or written delivery instructions covering the entire shipment.

Item 60. Split Pickup - Exception to Classification

Components of a split-pickup shipment received at 1337 South Eastman Avenue, Los Angeles, shall be rated as 94 per cent of first class. Split-pickup shipments shall not be subject to Items 40 and 70. Item 50 shall apply only on the components picked up at 1337 South Eastman Avenue, Los Angeles.

Item 70. Rates (In Cents per 100 Pounds)¹

Property as Described in Item 30

FROM: 1337 South Eastman Avenue, Los Angeles.

TO:	A.Q.	Minimum Weight in Pounds		
		4,000	10,000	20,000
Antioch)				
Hayward)				
Modesto)				
Mountain View)				
Oakland)				
Sacramento)	294	179	125	109
Salinas)				
San Francisco)				
San Jose)				
San Leandro)				
San Mateo)				
Stockton)				
Bakersfield	252	128	78	68
Concord	312	178	143	124
Fresno	279	150	105	89
Hanford	274	147	101	87
Santa Rosa	328	193	157	138
Vallejo	322	188	150	132
Visalia	268	143	100	84
Walnut Creek	317	183	147	128
Yuba City	322	188	150	133

¹ Subject to all increases, surcharges and split delivery charges prescribed in Minimum Rate Tariff No. 2 and supplements thereto.

Not applicable to split pickup shipments.

The rate for transportation of a split delivery shipment shall be the charges applicable to the highest rated destination predicated on the minimum weight or actual weight of the entire shipment whichever is greater.

(END OF APPENDIX A)