

Decision No. 70285

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of SIERRA DISTRIBUTING, LTD., a )  
corporation, for authority for )  
Sierra Distributing, Ltd. to )  
cancel tariffs issued by F.T.S. )  
Transport System, Inc., and to )  
publish applicable rates, rules )  
and regulations in Pacific Coast )  
Tariff Bureau tariffs. )

Application No. 47997  
(Filed October 24, 1965)  
(Amended November 16, 1965)

OPINION AND ORDER

By Decision No. 66186, dated October 22, 1963, and various orders extending time in Application No. 45639, the Commission authorized Sierra Distributing, Ltd. (Sierra) to purchase and acquire the operative rights of F.T.S. Transport System, Inc., (F.T.S.) on or before August 1, 1966. The decision required Sierra to issue or cause to be issued tariffs with the Commission, naming rates, rules and regulations governing the common carrier operations involved and that such rates be on the same level, subject to outstanding minimum rate orders, as rates previously published by F.T.S.

By this application, as amended, Sierra requests the Commission, under authority of Sections 454, 460, 490 and 491 of the Public Utilities Code, to issue an order granting permission to

cancel on five days' notice the tariffs of F.T.S. and, in lieu thereof, to publish rates, rules and regulations in various other tariffs for the transportation involved.<sup>1</sup>

Applicant alleges that it intended to comply with the order in Decision No. 66186 but found that, in many instances, the F.T.S. tariffs had not been amended since 1959 and many of the rates named therein are below those prescribed as minimum by the Commission. It is further alleged that other rates published in the tariffs apply to the transportation of commodities which are not authorized for the highway common carrier operations involved. Applicant avers that in order to bring the F.T.S. tariffs up to date and comply with the Commission's minimum rate and other requirements, it would incur a great expense. Approximately 665 tariff pages would have to be reprinted and considerable time and labor would have to be consumed in rechecking each item in the various tariffs involved to insure full compliance with such Commission requirements.

The application and amendment were listed on the Commission's Daily Calendar of October 26, 1965, and November 17, 1965, respectively. No objection to the granting of the application, as amended, has been received.

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<sup>1</sup> The tariffs of F.T.S. are Local Freight Tariffs Nos. 1, 2, 3, 4 and 5, Cal.P.U.C. 3, 4, 5, 6 and 7, respectively (all series of J.A. Nevis Trucking Inc.). The other tariffs are Pacific Coast Tariff Bureau, C.R. Nickerson, Agent, Exception Sheet No. 1, Cal. P.U.C. No. 4; Local Freight Tariff No. 5, Cal.P.U.C. No. 31; Local Freight Tariff No. 15, Cal.P.U.C. No. 18; and Local and Joint Freight and Express Tariff No. 16, Cal.P.U.C. No. 19; and Sierra Distributing, Ltd., Scope of Operations Tariff No. 1, Cal. P.U.C. No. 1.

In the circumstances, it appears, and the Commission finds, that the proposed cancellation of the tariffs of F.T.S., and the concurrent carrier participation in the tariffs of Pacific Coast Tariff Bureau, C. R. Nickerson, Agent, are justified, except as hereinafter indicated. The sought increases in the low-bed equipment charges set forth in Item No. 675 of F.T.S. Local Freight Tariff No. 1, Cal.P.U.C. No. 3 (series of J.A. Nevis Trucking, Inc.), have not been justified and should therefore be denied. A public hearing is not necessary. The Commission concludes that the application, as amended, should be granted to the extent indicated in the following order.

IT IS ORDERED that:

1. Except as provided in Ordering Paragraph 8 hereof, Sierra Distributing, Ltd., is hereby authorized to participate in the following tariffs issued by Pacific Coast Tariff Bureau, C. R. Nickerson, Agent, to the extent proposed in the application, as amended:

Exception Sheet No. 1, Cal.P.U.C. No. 4;  
Local Freight Tariff No. 5, Cal.P.U.C. No. 31;  
Local Freight Tariff No. 15, Cal.P.U.C. No. 18; and  
Local and Joint Freight and Express Tariff No. 16,  
Cal.P.U.C. No. 19.

2. The rates, rules and regulations authorized to be published in Ordering Paragraph 1 hereof shall be no lower than the Commission's established minimum rates or no lower than the rates of common carriers when applied under the alternative provisions of the applicable minimum rate tariffs.

3. Concurrently effective with the tariff filings authorized in Ordering Paragraph 1 hereof, the following tariffs of F.T.S. Transport System (series of J.A. Nevis Trucking, Inc.) are hereby canceled:

Local Freight Tariff No. 1, Cal.P.U.C. No. 3;  
Local Freight Tariff No. 2, Cal.P.U.C. No. 4;  
Local Freight Tariff No. 3, Cal.P.U.C. No. 5;  
Local Freight Tariff No. 4, Cal.P.U.C. No. 6; and  
Local Freight Tariff No. 5, Cal.P.U.C. No. 7.

4. Sierra Distributing, Ltd., is hereby authorized to publish its own Scope of Operations Tariff No. 1, Cal.P.U.C. No. 1, as proposed in the application, as amended.

5. Sierra Distributing, Ltd., is hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to make the adjustments authorized herein. Schedules containing the rates published under the authority granted in this order shall make reference to this order.

6. Sierra Distributing, Ltd., is hereby authorized to depart from the provisions of General Order No. 80-A to the extent necessary to publish the tariff provisions as proposed in the application, as amended.

7. 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.

8. The proposed increases in the low-bed equipment charges presently published in Item No. 675 of F.T.S. Transport System, Inc., Local Freight Tariff No. 1, Cal.P.U.C. No. 3 (series of J.A. Nevis Trucking, Inc.) are hereby denied without prejudice.

9. The authority herein granted shall expire unless exercised on or before August 1, 1966.

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

Dated at San Francisco, California, this 25<sup>th</sup> day of January, 1966.

Fredrick B. Holladay  
President

George T. Hoover

Augustus

William L. Brundage  
Commissioners