

**ORIGINAL**

Decision No. 70309

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:	)	
ARTHUR R. FAUGHN dba FAUGHN'S	)	
TRANSPORTATION, an Individual,	)	Application No. 47996
for an order of the Commission	)	(Filed October 22, 1965)
authorizing the transfer of certain	)	(Amended December 7, 1965)
tariff provisions from issues of	)	
WEST COAST FREIGHT TARIFF BUREAU, INC.	)	

OPINION AND ORDER

By this application Arthur R. Faughn, doing business as Faughn's Transportation, seeks authority to cancel his participation from certain tariffs issued by West Coast Freight Tariff Bureau, Inc., Richard A. Bennett, Agent,<sup>1</sup> and concurrently to publish rates and rules in full compliance with the Commission's minimum rate orders.<sup>2</sup> It is also proposed to cancel provisions governing protective service.

<sup>1</sup>

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 and Joint Freight Tariff No. 8, Cal.P.U.C. No. 9; Highway Common Carrier Local Freight Tariff No. 9-A, Cal.P.U.C. No. 14; Highway Common Carrier Mechanical Protective Service Tariff No. 10, Cal.P.U.C. No. 11; Highway Common Carrier Territorial Directory No. 11, Cal.P.U.C. No. 12; Local Tariff No. 12, Cal.P.U.C. No. 15; Highway Common Carrier Local Freight Tariff No. 13, Cal.P.U.C. No. 16; Distance Table No. 4-B, Cal.P.U.C. No. 18.

<sup>2</sup>

Proposed rates and rules would be published in Local Freight Tariff No. 2, Cal.P.U.C. No. 2, of Arthur R. Faughn, dba Faughn's Transportation; Exception Sheet No. 1, Cal.P.U.C. No. 4, and Local Freight Tariff No. 6-F, Cal.P.U.C. No. 5, of Pacific Motor Tariff Bureau, Inc., Leland C. Smith, Agent; and Local Freight Tariff No. 1, Cal.P.U.C. No. 1, of Allied Freight Tariff Bureau, William H. Hitchcock, Agent.

Applicant states that the scope of his operative authority is limited to the transportation of commodities which do not require the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment and the maintenance of tariff provisions for such services is not warranted. Applicant avers that his tariff publishing agent has not performed his duties in connection with recent minimum rate orders of the Commission and that he has suffered loss of revenue due to failure of his agent to maintain tariffs for his account at the minimum rate level. Applicant's proposal should insure compliance with the Commission's minimum rate orders.

The certificate of service shows that copies of the application and amendment were mailed to California Trucking Association on October 22 and December 4, 1965, respectively. The application and amendment were listed on the Commission's Daily Calendar of October 25 and December 8, 1965, respectively, and applicant mailed copies thereof to Richard A. Bennett. No objection to the granting of the application, as amended, has been received.

In the circumstances, it appears, and the Commission finds, that the increases resulting from the proposed tariff publications are justified. A public hearing is not necessary. The Commission concludes that the application, as amended, should be granted. The order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. Arthur R. Faughn is hereby authorized to publish rates, rules and regulations as proposed herein.

2. The proposed rates, rules and regulations authorized to be published herein 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 participation of Arthur R. Faughn, doing business as Faughn's Transportation, 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 and Joint Freight  
Tariff No. 8, Cal.P.U.C. No. 9;  
Highway Common Carrier Local Freight Tariff  
No. 9-A, Cal.P.U.C. No. 14;  
Highway Common Carrier Mechanical Protective  
Service Tariff No. 10, Cal.P.U.C. No. 11;  
Highway Common Carrier Territorial Directory  
No. 11, Cal.P.U.C. No. 12;  
Local Tariff No. 12, Cal.P.U.C. No. 15;  
Highway Common Carrier Local Freight Tariff  
No. 13, Cal.P.U.C. No. 16; and  
Distance Table No. 4-B, Cal.P.U.C. No. 18.

4. Arthur R. Faughn 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.

5. Arthur R. Faughn 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.

6. 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.

7. 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 1st day of February, 1966.

Frederick B. Hoffhoff  
President  
Paul E. Mitchell  
George H. Hoover  
Augusta  
William W. Belmont  
Commissioners