

ORIGINAL

Decision No. 71728

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 Co.)

Application No. 48929
(Filed November 4, 1966)

OPINION AND ORDER

Dart Transportation Service holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 70140 dated December 21, 1965, in Application No. 48022, it was authorized to charge rates less than the minimum rates otherwise applicable for the transportation of property for Sears, Roebuck and Co. 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, 1967.

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 Applicant also proposes to amend the provisions

¹ No authority for the proposed increase in rates is required from this Commission inasmuch as applicant performs the service as a permitted carrier for which only minimum rates have been established.

relating to loading of its equipment by the shipper. Applicant states that the shipper now employs an agent to perform certain loading activities and that provisions of the current authority should be amended to include reference to the "shipper's agent."

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 that 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 Co. 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 copies thereof were mailed to Sears, Roebuck and Co. and California Trucking Association on November 3, 1966. The application was listed on the Commission's Daily Calendar of November 7, 1966. 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, 1967.

IT IS ORDERED that:

1. Dart Transportation Service, a corporation, is hereby authorized to transport property for Sears, Roebuck and Co. 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, 1967, supersede the authority granted by Decision No. 70140 and shall expire with January 1, 1968.

The effective date of this order shall be January 1, 1967.

Dated at San Francisco, California, this 20th day of December, 1966.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Mitchell

 President

Frederick B. Holdoff

Augustin

 Commissioners

APPENDIX A TO DECISION NO. 71728

Schedule of Minimum Rates, Including Limitations and
Conditions, Applicable to the Transportation of
Property for Sears, Roebuck and Co. 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 Co. 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 Co. 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 carrier's equipment by the shipper or the shipper's agent and tendered to the carrier with the vehicle sealed by the shipper or shipper's agent.
- (b) Shipping documents must bear the notation "Shipper's 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.O.	Minimum Weight in Pounds		
		4,000	10,000	20,000
Antioch)				
Hayward)				
Modesto)				
Mountain View)				
Oakland)				
Sacramento)	317	193	135	117
Salinas)				
San Francisco)				
San Jose)				
San Leandro)				
San Mateo)				
Stockton)				
Bakersfield	272	138	84	73
Concord	336	192	154	133
Fresno	301	162	113	96
Hanford	295	158	109	93
Santa Rosa	354	208	169	149
Vallejo	347	203	162	142
Visalia	289	154	108	90
Walnut Creek	342	197	158	138
Yuba City	347	203	162	143

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)