

Decision No. 71781

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Brake Delivery Service)	
under the Shortened Procedure Tariff)	Shortened Procedure
Docket to cancel a specifically)	Tariff Docket
identified Local Parcel Tariff which)	Application No. 48922
will result in increases.)	(Filed November 1, 1966)

OPINION AND ORDER

By this application, Brake Delivery Service, a corporation, seeks authority to cancel in its entirety the adopted tariff of its predecessor, Rudolph R. Roesies, doing business as R. Roesies Trucking Co. (Roesies)¹ and to allow the higher local parcel rates named in its own tariff to remain in effect.²

Applicant states that it acquired the operative right and adopted the tariff of Roesies effective December 12, 1963, and that practically no local parcel services were conducted under either tariff at that time. Applicant avers that Roesies' tariff duplicates, in some respects, the territory served under its own parcel tariff and that the lower rates in Roesies' tariff conflict with the rates in its own tariff. According to applicant, certain rates in Roesies' tariff from Los Angeles to Ontario are lower than the

¹The adopted tariff is Local Parcel Tariff No. 1, Cal.P.U.C. No. 1, of Rudolph R. Roesies, doing business as R. Roesies Trucking Co.

²Applicant's own tariff is Local Parcel Tariff No. 2, Cal.P.U.C. No. 3.

rates published in its own tariff to delivery points intermediate to Ontario from Los Angeles and that such rates are in violation of Section 460 of the Public Utilities Code.³

Applicant asserts that increases resulting from the proposed cancellation of the adopted tariff would not increase its California intrastate gross revenue by as much as one percent.

The application was listed on the Commission's Daily Calendar of November 3, 1966. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that increases resulting from cancellation of the tariff as proposed in the application are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Brake Delivery Service is hereby authorized to cancel its Local Parcel Tariff No. 1, Cal.P.U.C. No. 1 (Series of Rudolph R. Roesies, doing business as R. Roesies Trucking Co.), as specifically proposed in the application.

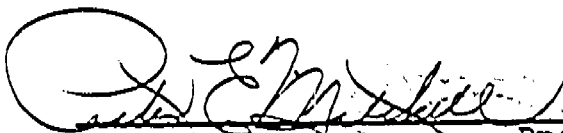
2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and to the public.

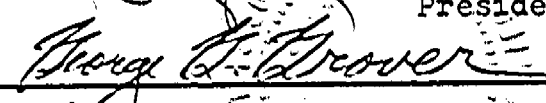
³Section 460 of the Code reads, in part, as follows: "No common carrier ... shall charge or receive any greater compensation in the aggregate for the transportation ... of property for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance or charge any greater compensation as a through rate than the aggregate of the intermediate rates."


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

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

Dated at San Francisco, California, this 29th day of DECEMBER 1966.



President




Commissioners

Commissioner Frederick B. Holoboff did not participate in the disposition of this proceeding.

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