

ORIGINAL

Decision No. 72252

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relating)
to the transportation of any and)
all commodities between and within)
all points and places in the State)
of California (including, but not)
limited to, transportation for)
which rates are provided in Mini-)
mum Rate Tariff No. 2).)

Case No. 5432
Petition for Modification
No. 443
Filed January 20, 1967

OPINION AND ORDER

Robert H. Olson and Lloyd Barnes (O and B), copartners, hold radial highway common carrier, highway contract carrier, city carrier and household goods carrier permits. Capital Parcel Delivery Co. (Capital), a corporation, holds highway contract carrier and city carrier permits. By Decision No. 42714, dated April 12, 1949, in Case No. 4808, O and B were exempted from observing the established minimum rates, rules and regulations for the transportation of shipments weighing 100 pounds or less. By this petition, authority is sought to transfer this rate exemption from O and B to Capital.

¹
Decision No. 52199, dated November 7, 1955, in Case No. 5432, updated the list of carriers that were exempted in whole or in part from observing the rates, rules and regulations contained in Minimum Rate Tariff No. 2 as set forth in Decision No. 31606 in Case No. 4246, as amended.

According to the petition, O and B desires to transfer their partnership business to Capital in exchange for stock of Capital and a permit authorizing the issuance of such stock has been issued by the Commissioner of Corporations. Petitioners allege that, subsequent to the above transfer, the corporation will continue to serve the same customers as are currently being served by O and B and will be required to assess the rates now charged, which are based on the rate exemption granted to the partnership. Petitioners state that the change in operation can be accomplished provided Capital is included in the aforementioned list of carriers that are exempted in whole or in part from observing the Commission's minimum rates.

Petitioners assert that the facts which caused O and B to file their original petition requesting the rate exemption in question continue to exist and are equally applicable to the operation when conducted in corporate form. Petitioners aver that, upon the effective date of a Commission order substituting Capital for O and B in the list of carriers exempted from observing the established minimum rates as hercinbefore described, the partnership business will be transferred to the corporation and a request will be made for revocation of the partnership permits.

The certificate of service shows that a copy of the petition was mailed to California Trucking Association on January 20, 1967. The application was listed on the Commission's Daily Calendar of January 24, 1967. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that the continuation of the present exemption in the name of Capital Parcel Delivery Co., a corporation, by the substitution of its name

in place and stead of Robert H. Olson and Lloyd Barnes, copartners, is justified. A public hearing is not necessary! The Commission concludes that the petition should be granted.

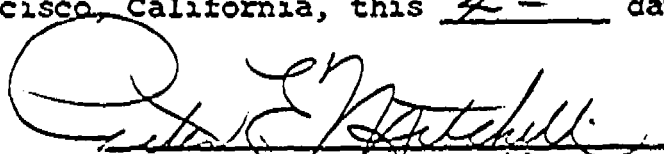
IT IS ORDERED that:

1. Decision No. 52199, in Case No. 5432, as amended, is hereby further amended by substituting in the list of carriers in Appendix "B" thereof, Capital Parcel Delivery Co., a corporation, in the place and stead of Robert H. Olson and Lloyd Barnes, copartners, for the transportation of shipments of 100 pounds or less.

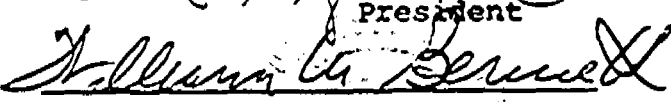
2. The authority granted to Robert H. Olson and Lloyd Barnes, copartners, by Decision No. 42714, dated April 12, 1949, in Case No. 4808 is hereby amended by the authority granted herein.

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

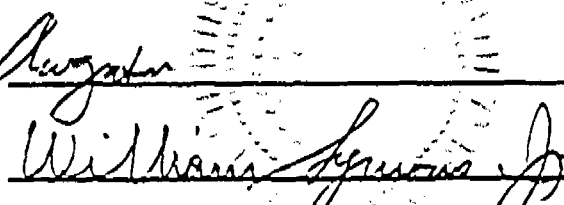
Dated at San Francisco, California, this 4th day of April, 1967.



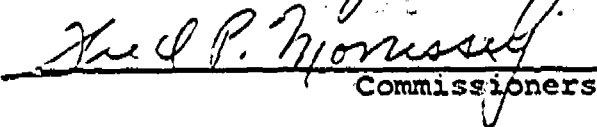
President



August



William J. ...



Commissioners