

**ORIGINAL**

Decision No. 75085

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 Minimum )  
Rate Tariff No. 2). )

Case No. 5432  
(Petition for Modification  
No. 513)  
(Petition for Modification of  
Decision No. 74749 et al.)  
(Filed November 18, 1968)

And Related Matters

) Cases Nos. 5330, 5433, 5435,  
) 5436, 5437, 5438, 5439, 5440,  
) 5441, 5603, 5604, 7783, 7857,  
) 7858 and 8808.  
) (Petitions for Modification  
) Nos. 38, 27, 109, 88, 163,  
) 67, 78, 59, 148, 58, 18, 15,  
) 19, 43 and 1, respectively)  
) and Case No. 6008.  
)  
) (Petition for Modification of  
) Decision No. 74749 et al.)

SUPPLEMENTAL OPINION AND ORDER

In the above matters petitioner seeks modification of the long- and short-haul authority granted common carriers by Decision No. 74749 and related decisions involving intracity rates and charges.<sup>1</sup> Petitioner alleges that the relief granted is insufficient to meet the new and initial circumstances created by repeal of the City Carriers' Act.

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<sup>1</sup> Decisions Nos. 74749, 74751, 74752, 74753, 74756, 74757, 74758, 74759, 74760, 74761, 74762, 74764, 74765, 74766 and 74767 in Cases Nos. 5432, 5433, 5435, 5436, 5438, 5439, 5440, 5441, 5441, 5603, 5604, 7783, 7857, 7858 and 8808. (Petitions for Modification Nos. 513, 27, 109, 88, 67, 78, 59, 148, 148, 58, 18, 15, 19, 43 and 1, respectively) and Decision No. 74763 in Case No. 6008.

According to petitioner, publication of intracity rates is subject to all the technical circumstances which created the basis for previously authorized departures involving intercity tariff publications. Typical of such circumstances, it states, are:

- (a) Publication of split pickup and split delivery rules which may cause technical departures from Section 460.
- (b) Maintenance of class or commodity rates within cities at minimum rate levels which may exceed alternative rail rates published between such cities and points outside thereof.
- (c) Publication of city carrier rates and rules and regulations at levels established as minimum by the Commission which may exceed or result in higher charges than minimum rates, rules and regulations maintained by such carriers between the same cities and other cities.
- (d) Other similar technical long- and short-haul departures.

Any authorization for long- and short-haul departure, petitioner asserts, must recognize the new circumstances created by repeal of the City Carriers' Act, the Commission's own decision in requiring common carrier compliance with its minimum rate tariffs, and the varied and sundry decisions of common carriers who must publish a reasonable tariff of intracity rates reflecting their needs and those of their customers. Such circumstances will create departure problems of the type outlined above, and will require concurrent authorization by the Commission.

Petitioner proposes the following modification in lieu of that granted in the decision involved:

"Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures resulting therefrom; outstanding authorities are hereby modified only to the extent necessary to comply with this order; this order may be cited as the authority for such new authorization as required; and schedules containing the amendments published under this order shall make reference to the prior orders authorizing long- and short-haul departures and to this order."

At the time the carriers announced that they proposed to publish intracity rates based on the 0-3 mile distance minimum class rates, the California Manufacturers Association opposed such publications and requested rejection thereof. Upon receipt of the tariff filings, the Commission instituted an Order of Investigation and Suspension (Case No. 8860). In its letter dated November 20, 1968, California Manufacturers Association now states that it has no objection to petitioner's proposed modification nor to dismissal of the investigation and suspension proceeding.

The petitions were listed on the Commission's Daily Calendar of November 20, 1968. No objection to the proposal has been received.

In the circumstances, it appears, and the Commission finds, that the relief sought by petitioner should be granted. A public hearing is not necessary.

IT IS ORDERED that:

1. The long- and short-haul provisions granted by Decisions Nos. 74749, 74751, 74752, 74753, 74756, 74757, 74758, 74759, 74760, 74761, 74762, 74764, 74765, 74766 and 74767 in

Cases Nos. 5432, 5433, 5435, 5436, 5438, 5439, 5440, 5441, 5441, 5603, 5604, 7783, 7857, 7858 and 8808 (Petitions for Modification Nos. 513, 27, 109, 88, 67, 78, 59, 148, 148, 58, 18, 15, 19, 43 and 1, respectively) and Decision No. 74763 in Case No. 6008 are amended as follows:

Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures resulting therefrom; outstanding authorities are hereby modified only to the extent necessary to comply with this order; this order may be cited as the authority for such new authorization as required; and schedules containing the amendments published under this order shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

2. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective not earlier than the first day after the effective date of this order on not less than one day's notice to the Commission and to the public and such tariff publications shall be made effective not later than February 18, 1969; and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than the first day after the effective date of this order on not less than one day's notice to the Commission and to the public if filed not later than sixty days after the effective date of this order.

3. In all other respects, the decisions named in Ordering Paragraph 1 hereof, as amended, shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of December, 1968.

William S. Quinn, Jr.  
President

Augustine

Fred P. Morrissey  
Commissioners

Commissioner Fred P. Morrissey

Present but not participating.

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