

ORIGINAL

Decision No. 75260

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

ORDER SETTING HEARING

By Decision No. 75259, issued today in Appli-
cation No. 50667, the Commission authorized Lloyd Hemphill and
Lewis Curtis, doing business as Rapid Radial Transport, to establish,
on an interim basis pending hearing thereon, rates which are
different and less than the Commission's established minimum rates
for the transportation of shipments weighing 100 pounds or less
between points within a radius of 50 miles of East Palo Alto so
that they would be competitive with Frank Sequeira, Jr., doing
business as Merchants Delivery, and Howard Wilson, doing
business as Ace Delivery Service. The latter two carriers have
been exempted from observing the Commission's minimum rates on
shipments of 100 pounds or less.¹

By the above decision the Commission also found that
consideration should be given to questions raised by California
Trucking Association as to whether all three carriers should be
required to come before the Commission and to present evidence,
which would bring their authorities to depart from the minimum rates

¹ Decisions Nos. 57063 and 71900 dated July 29, 1958, and January 24,
1967, respectively.

within the policy enunciated by the Commission in Decision No. 61626 (58 Cal.P.U.C. 533). The latter decision found that the order granting any highway carrier authority to depart from the established minimum rates should prescribe the minimum rates to be assessed by the carrier and, in the case of a parcel delivery carrier, the establishment or approval of minimum parcel rates would remove the possibility of any abuse of the exemption granted. In the circumstances, Frank Sequeira, Jr., and Howard Wilson will be required to come before the Commission and present evidence as to whether their authorities to depart from the minimum rates should be modified in conformity with the policy enunciated in Decision No. 61626.

Good cause appearing,

IT IS ORDERED that a hearing for the purpose indicated be held before such Commissioner or Examiner as may be designated at a time and place to be determined.

Dated at San Francisco, California, this 28th day of January, 1969.

William Lyons, Jr.
President
Attorney
Red P. Morrissey
W. H. ...
Thomas M. ...
Commissioners