

MS

Decision No. 75622

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
GERALD A. SMITH, an individual, dba
SMITH TRUCKING, for authority to de-
viate from minimum rates and charges,
on shipments of drugs, etc., between
Sacramento and Chico and off line
points of Colusa, Gridley and Biggs,
et al.

Application No. 50924
(Filed March 3, 1969)

OPINION AND ORDER

Gerald A. Smith, doing business as Smith Trucking, holds a radial highway common carrier permit. Applicant requests authority to transport shipments of wholesale drug supplies, each weighing 75 pounds or less, between Sacramento and Chico and intermediate points via U.S. Highway 99-E and to the off-line points of Colusa, Gridley and Biggs, at charges per shipment less than the established minimum charges.

By Decision No. 48710, dated June 16, 1953, in Case No. 4808, applicant's father (Gerald E. Smith), doing business as Smith Truck Lines, was authorized to deviate from the minimum rates and charges on shipments of wholesale drug supplies as presently requested by applicant. It is explained that applicant's father is contemplating retirement from the trucking business, whereupon applicant plans, under his own permitted authority, to take over his father's business. The completion of such transfer of operation is, however, contingent upon applicant's receipt of the authority sought herein.

Attached to the application are copies of three letters, addressed to the Commission from wholesale drug firms, urging the granting of the relief sought. Copies of the application were mailed to the California Trucking Association and the California Manufacturers Association on or about February 26, 1969. The application was also listed in the Commission's Daily Calendar of March 4, 1969. No objection to the requested ex parte handling of this matter has been received.

In the circumstances, the Commission finds that the transfer to Gerald A. Smith, doing business as Smith Trucking, of the authority granted Gerald E. Smith, doing business as Smith Truck Lines, by Decision No. 48710 is justified to the extent indicated in the order herein. A public hearing is not necessary.

We conclude that Application No. 50924 should be granted subject to the condition set forth in the following order.

IT IS ORDERED that:

1. Effective concurrently with the date set forth in ordering paragraph 2 hereof, Decision No. 52199 in Case No. 5432, as amended, is hereby further amended by substituting in the list of carriers in Appendix "C" thereof, the name of Gerald A. Smith, doing business as Smith Trucking, in place and stead of Gerald E. Smith for the transportation of shipments of wholesale drug supplies between Sacramento and Chico and intermediate points via U. S. Highway 99-E and to the off-line points of Colusa, Gridley and Biggs provided each shipment weighs 75 pounds or less, consists of five pieces or less and is released to a valuation not exceeding 50 cents per pound.

2. The authority granted to Gerald E. Smith by Decision No. 48710 dated June 16, 1953 in Case No. 4808 is hereby amended by the authority granted herein effective concurrently with the date that Gerald E. Smith terminates transportation services under said Decision No. 48710.

3. The authority granted herein 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 APRIL, 1969.

William Symons Jr.
President

Augustine
James P. Monahan
William J. Monahan

Commissioners