

ORIGINALDecision No. 75896

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. 532)

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 property in the City and County of San Francisco and the Counties of Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma.

Case No. 5441
(Petition for Modification
No. 157)

SUPPLEMENTAL OPINION

By Decision No. 75477, dated March 25, 1969, in Petitions for Modification Nos. 532 and 157, in Cases Nos. 5432 and 5441, respectively, Walkup's Merchants Express, a corporation, hereinafter called petitioner, was authorized to publish rates less than those established as minimum for the transportation of flour in bulk between certain points in the San Francisco Bay Area.

The rates which petitioner is authorized to publish are set forth in Appendix A to said Decision No. 75477 and are divided into two separate groupings. The first rate grouping is

that provided by Paragraph A, page 1 of Appendix A and it sets forth rates applicable to transportation between points both located in the City and County of San Francisco or both located in specified East Bay cities as defined by Minimum Rate Tariff No. 1-B. Paragraph B, page 2 of Appendix A to Decision No. 75477 sets forth rates applicable to transportation from San Francisco, Oakland or Vallejo to points within sixty miles of said origins. In describing the application of the rates specified in Paragraph B, Decision No. 75477 employs the following language:

"B. Rates lower than minimum rates otherwise prescribed but not less than the following rates applicable from San Francisco, Oakland or Vallejo, on the one hand, to destination points beyond the areas described in Paragraph A hereof, but not exceeding 60 constructive miles from the respective points of origin, on the other hand. Mileages to be computed in accordance with the Commission's Distance Table No. 5, supplements thereto or successive issues thereof."

The intent of the foregoing language was to exclude from the rates authorized in Paragraph B any transportation covered by the rates described in Paragraph A. The Paragraph B rates were intended to cover transportation between the named origin points and destination points within the areas specified in Paragraph A. Petitioner alleges that the quoted language does not express this intention clearly. In order to clarify the scope of the rates authorized by Paragraph B, petitioner requests that the quoted language be amended to read as follows:

"B. Rates lower than minimum rates otherwise prescribed but not less than the following rates applicable from San Francisco, Oakland or Vallejo, on the one hand, to destination points not exceeding 60 constructive miles from the respective points of origin, on the other hand. Mileages to be computed in accordance with the Commission's Distance Table No. 5, supplements thereto or successive issues thereof. The rates specified in this paragraph do not apply to transportation for which rates are specifically provided in Paragraph A hereof."

Copies of the verified petition to clarify Decision No. 75477 were mailed to California Trucking Association and Draymen's Association of San Francisco, Inc. The petition was listed on the Commission's Daily Calendar of June 13, 1969. No objection to the granting of the petition has been received.

Based upon the verified petition the Commission finds that Paragraph B of Appendix A to Decision No. 75477 should be amended as proposed by petitioner. A public hearing is not necessary. The Commission concludes that the petition should be granted as set forth in the following order.

SUPPLEMENTAL ORDER

IT IS ORDERED that page 2 of Appendix A to Decision No. 75477 is amended to read as follows:

"B. Rates lower than minimum rates otherwise prescribed but not less than the following rates applicable from San Francisco, Oakland or Vallejo, on the one hand, to destination points not exceeding 60 constructive miles from the respective points of origin, on the other hand. Mileages to be computed in accordance with the Commission's Distance Table No. 5, supplements thereto or successive issues thereof. The rates specified in this paragraph do not apply to transportation for which rates are specifically provided in Paragraph A hereof.

<u>"Constructive Miles</u>	<u>Rates in cents per 100 pounds* San Francisco, Oakland or Vallejo Minimum Wgt. 40,000 lbs. per shipment</u>
0 - 10	11.5
10 - 15	12.0
15 - 20	12.5
20 - 25	13.0
25 - 30	14.0
30 - 35	14.5
35 - 40	16.0
40 - 45	17.0
45 - 50	18.0
50 - 60	19.0

*All rates are subject to Notes 1 through 11, and are not subject to the Bay Counties surcharges."

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

Dated at San Francisco, California, this 24th day of JULY, 1969.

William Spenser Jr.
President
Association
John B. Monahan
Commissioners