

76079

Decision No. _____

ORIGINAL

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 and highway car-
 riers 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. 15).

Case No. 7783
 Petition for Modification
 No. 19
 (Filed July 18, 1969)

O P I N I O N

Brake Delivery Service (Brake), a corporation, operates as a highway common carrier for the transportation of general commodities between points in the Los Angeles Basin Area, and between points in said area and points in San Diego Territory, including intermediate points.

Brake was authorized by Decision No. 74691, dated September, 17, 1968 in Case No. 7783, Petition No. 13, to maintain rates less than the established minimum rates for yearly vehicle unit service performed with Econovan-type equipment. Said decision authorized Brake to publish a Base Yearly Vehicle Unit Rate of \$1,030 per month, applicable on an Econovan-type truck, without trailer, having a gross weight of less than 4,000 pounds, along with several other applicable restrictions. The rate is applicable between points and places in the Los Angeles Basin Area and between the Los Angeles Basin Area and points and places on U.S. Highway 101 and 101 Alternate between the southerly boundary of the Los Angeles

Basin Area to and including San Clemente, California. Decision No. 74691 also authorized Brake to establish a mileage charge of 7 1/2 cents per mile, subject to a minimum charge of 2,000 miles per billing period. Decision No. 74691 authorized Brake to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted by Decision No. 74691. Said rates authorized by Decision No. 74691 are scheduled to expire September 30, 1969.

In this petition, Brake seeks an extension of the authority granted in Decision No. 74691 for the period of an additional year, or for the period October 1, 1969 to and including September 30, 1970, subject to one change; namely, that the authorized Base Yearly Vehicle Unit Rate be increased from \$1,030.00 to \$1,095.00 per month. Petitioner also requests that it also be granted authority to depart from the long- and short-haul provisions of the California Constitution and Section 460 of the Public Utilities Code. Petitioner further requests that the Commission grant it authority to publish said rates on one day's notice in order that there be no lapse in the effectiveness of the rates.

Petitioner relies upon the following circumstances and conditions, among others, to justify the relief sought herein.

(A) The physical conditions which existed at the time said authority was granted continue to exist today and will continue to exist for the ensuing year for which authority is requested.

(B) The equipment utilized is small Econovan-type equipment which, as noted in Decision No. 74691, is less costly in original acquisition than other small trucks such as a Metro truck. The equipment is also less costly than bobtail type equipment. The equipment utilized is essentially similar to the operation of a passenger vehicle.

(C) The business conducted by the petitioner under the authority sought to be extended is desirable and profitable to petitioner.

The petition incorporates studies of the cost of performing yearly vehicle unit service under conditions which may be expected to prevail during the ensuing year. The studies indicate that the rates and charges proposed to be assessed will exceed the costs of providing said services and that operations under said rates and charges will be profitable to petitioner.

The petition was served upon known interested parties. Also notice of the filing of the petition appeared on the Commission's Daily Calendar of July 21, 1969. There are no protests.

In the circumstances, the Commission finds the proposed rates and charges will be reasonable and that the proposed rate increase is justified. We conclude that the petition should be granted.

O R D E R

IT IS ORDERED that:

1. Brake Delivery Service, a corporation, is authorized, as a highway common carrier, to publish and file, to expire with September 30, 1970, yearly vehicle unit rates applicable to Econovan equipment, as set forth in Appendix A attached hereto and made a part hereof.

2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than five days after the effective date hereof, on not less than five days' notice to the Commission and to the public.

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3. Brake Delivery Service is authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein. Tariffs containing the rates published under this authority shall make reference to this order.

The effective date of this order is ten days after the date hereof.

Dated at San Francisco, California, this 26th
day of AUGUST, 1969.

William S. Brown, Jr.
President

Augustus

H. P. McQuinn

T. S. Brown
Commissioners

APPENDIX A

BRAKE DELIVERY SERVICE
(a corporation)

Equipment Description

Truck without trailer:

Econovan-type truck without trailer, gross weight of vehicle being less than 4,000 pounds (not including lading), having less than 9 feet of lineal loading space, provided the gross weight (including weight of containers) of property transported by such vehicle is 2,000 pounds or less during a single loading of equipment.

Base Yearly Vehicle Unit Rate - Column B (1)(2) \$1,095.00

- (1) Rate applies only when no single package weighs in excess of 75 pounds.
- (2) Rate applies only: (a) between points and places within the Los Angeles Basin area as described in Note; (b) between the Los Angeles Basin area as described in Note and points and places located on U. S. Highway 101 or 101 Alternate between the southerly boundary of the said Los Angeles Basin area as described in Note to and including San Clemente, California.

Mileage Rate - (3) 7-1/2 cents per mile

- (3) Subject to a minimum charge for 2,000 miles per billing period.

Except as provided above, subject to the rates, charges and rules set forth in Minimum Rate Tariff No. 15.

NOTE: Los Angeles Basin Area:

Beginning at the intersection of the westerly boundary of the city of Los Angeles and the Pacific Ocean, thence along the westerly and northerly boundaries of said city to its point of first intersection with the southerly boundary of Angeles National Forest, thence along the southerly boundary of Angeles and San Bernardino National Forests to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to and including the City of Redlands; westerly along U. S. Highway No. 99 to U. S. Highway No. 395; southerly along U. S. Highway No. 395 to State Highway No. 18; southwesterly along State Highway No. 18 to U. S. Highway No. 91; westerly along U. S. Highway No. 91 to State Highway No. 55; southerly on State Highway No. 55 and the prolongation thereof to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to point of beginning.