

Decision No. 76303

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of: )

C. R. NICKERSON, Agent and Attorney )  
for and on behalf of DON HEMSTED'S )  
VAN & STORAGE, INC., under out- )  
standing Power of Attorney, and letter )  
of authorization to file applications, )  
on file with the Commission, under the )  
shortened procedure Tariff Docket, for )  
authority to cancel all rates and )  
charges on Used Household Goods and )  
other articles presently published in )  
Don Hemsted's Van & Storage, Inc., )  
Local Freight Tariff No. 2, Cal.P.U.C. )  
No. 1 (Filed in the series of Don )  
Hemsted, Doing Business as Don )  
Hemsted's Van and Storage) and in )  
lieu thereof, publish rates and )  
charges on the same level as presently )  
published in Minimum Rate Tariff No. )  
4-B, including Rules and Regulations )  
governing same. )

Shortened Procedure  
Tariff Docket  
Application No. 51193  
(Filed June 26, 1969)

-AND- )

For authority to depart from the )  
terms of Section 454 of the Public )  
Utilities Code when accomplishing )  
proposed publication. )

OPINION AND ORDER

By this application, C. R. Nickerson, Agent, for and  
on behalf of Don Hemsted's Van & Storage, Inc. (Hemsted), seeks  
authority to cancel all rates named in Hemsted's tariff for  
the transportation of used household goods, new furniture and  
household appliances between various points in northern California.

and, in lieu thereof, to publish distance rates in cents per 100 pounds in another tariff based on the minimum rates set forth in the Commission's Minimum Rate Tariff No. 4-B.<sup>1</sup>

Applicant alleges that Hemsted was issued a certificate of public convenience and necessity authorizing the carrier to transport used household goods and blanket wrapped new furniture and household appliances between various points in northern California<sup>2</sup> and that Hemsted possesses a Certificate of Registration issued by the Interstate Commerce Commission, which authorizes the carrier to transport the same commodities between the same points in interstate or foreign commerce. Applicant avers that, under Section 206(6) and (7) of the Interstate Commerce Act, Hemsted's right to transport used household goods in interstate and foreign commerce cannot be based on a household goods carrier permit and that the aforementioned certificate is the only means by which Hemsted can interchange used household goods, blanket wrapped new furniture and household appliances at San Francisco Bay points and Sacramento when these commodities move in interstate or foreign commerce.

Applicant asserts that the rates in Tariff No. 2 have not been amended since April 13, 1954, and consequently such rates are lower than those prescribed by the Commission in Minimum Rate Tariff No. 4-B. Applicant contends that these rates may be used by permitted carriers under the alternative application provisions of Minimum Rate Tariff No. 4-B and thus enable such carriers to circumvent the minimum rates named in that tariff.

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<sup>1</sup>Hemsted's tariff is Local Freight Tariff No. 2, Cal.P.U.C. No. 1 (series of Don Hemsted, doing business as Don Hemsted's Van & Storage), hereinafter referred to as Tariff No. 2.

<sup>2</sup>Decision No. 44624 dated August 8, 1950, in Application No. 30546.

Applicant states that Hemsted has had considerable correspondence with the Commission's staff concerning the method of bringing Hemsted's tariff in compliance with Minimum Rate Tariff No. 4-B and, as a result thereof, Hemsted seeks to accomplish this purpose by this application.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue of Hemsted by as much as one percent.

The application was listed on the Commission's Daily Calendar of June 27, 1969. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that increases resulting from cancellation and publication of rates as specifically proposed in the application are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. C. R. Nickerson, Agent, is hereby authorized, on behalf of Don Hemsted's Van & Storage, Inc., to cancel Local Freight Tariff No. 2, Cal.P.U.C. No. 1 (series of Don Hemsted, doing business as Don Hemsted's Van & Storage), and in lieu thereof, to publish distance rates in another tariff as specifically proposed in the application.

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 on not less than thirty days' notice to the Commission and to the public.

3. The authority herein granted 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 Los Angeles, California, this 21st day of October, 1969.

William Synovus J.  
President  
August  
J. Dubrin  
T. J. [unclear]  
Vernon L. Stinson  
Commissioners