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ORIGINAL

Decision No. 77600

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. 15).

Case No. 7783  
Petition for Modification  
No. 31  
(Filed July 10, 1970)

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. 76079, dated August 26, 1969 in Case No. 7783, Petition No. 19, to maintain rates less than the established minimum rates for yearly vehicle unit service performed with Econovan-type equipment.<sup>1/</sup> Said decision authorized Brake to publish a Base Yearly Vehicle Unit Rate of \$1,095 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

<sup>1/</sup> The authority granted in Decision No. 76079 is a continuation of the authority originally granted in Decision No. 74691, dated September 17, 1968 in Petition No. 19.

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. 76079 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, and 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 said decision. The authorized rates are scheduled to expire September 30, 1970.

In this petition, Brake seeks an extension of the authority granted in Decision No. 76079 for the period of an additional year, or for the period October 1, 1970 to and including September 30, 1971, subject to one change; namely, that the authorized Base Yearly Vehicle Unit Rate be increased from \$1,095 to \$1,225 per month. Petitioner also requests that it 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 will 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:

1. 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.

2. The equipment utilized is small Econovan-type equipment which, as noted in Decisions Nos. 74691 and 76079, 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.

3. 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 13, 1970. 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.

ORDER

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, 1971, 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.

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 17<sup>th</sup>  
day of AUGUST, 1970.

*Augusta*  
Chairman

*William J. ...*

*...*

*...*  
Commissioners

Commissioner J. P. Vakasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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) \$1,225.00

- (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 State Highway No. 1 or Interstate Highway No. 5 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 the Angeles and San Bernardino National Forests to State Highway No. 38; westerly along State Highway No. 38 to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway No. 10; northwesterly along Interstate Highway No. 10 to and including the City of Redlands; westerly along Interstate Highway No. 10 to U.S. Highway No. 395; southerly along U.S. Highway No. 395 to State Highway No. 91; southwesterly along State Highway No. 91 to State Highway No. 55; southerly along State Highway No. 55 and the prolongation thereof to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to point of beginning.