

Decision No. 77817

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, 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. 600  
(Filed September 10, 1970)

In the Matter of the Application of POZAS BROS. TRUCKING CO., a corporation, for an order authorizing departure from the rates, rules and regulations of Minimum Rate Tariff No. 2, under the provisions of Section 3666 of the Public Utilities Code.

Application No. 52191  
(Filed September 10, 1970)

OPINION AND ORDER

By Decision No. 77090, dated April 14, 1970, Pozas Bros. Trucking Co., a corporation, was authorized to assess specified hourly rates in lieu of those otherwise applicable for special expedited service of shipments having origin or destination within 10 miles of Sunnyvale and shipments having origin in Visalia. On commodities and between points which it serves as a highway common carrier, said hourly rates are published in its own tariff. For other commodities and between other points, the authority was granted to applicant as a highway permit carrier to apply on shipments transported for Westinghouse Electric Corporation. These authorities are scheduled to expire with October 31, 1970.

By this petition and application, Pozas Bros. Trucking Co., hereinafter referred to as applicant, seeks modification and extension of the current authorities for an additional period terminating with June 30, 1971. Applicant requests that the existing authorities be modified by (1) increasing the rates for 1 1/2-ton equipment from \$11.25 to \$12.00 per hour and for 3 1/2-ton equipment from \$12.25 to \$13.50 per hour for the period, November 1, 1970, to and including December 31, 1970, and (2) further increasing the rates for 1 1/2-ton equipment from \$12.00 to \$12.75 per hour and for 3 1/2-ton equipment from \$13.50 to \$14.25 per hour for the period, January 1, 1971, to and including June 30, 1971.

Applicant alleges that the justification offered for the relief set forth in the prior petition and application still exists and that the sought increases in rates are necessary to offset the increases in labor costs, which became effective July 1, 1970, and will become effective January 1, 1971.

The proposed rates are hourly rates applicable to expedited service requiring special trips. Although differing in unit of measurement from the minimum rates otherwise applicable, which are stated in cents per 100 pounds, the hourly rates in general may be expected to produce charges greater than those which would result under the minimum rate tariff. The special rate authorities, heretofore granted to applicant and herein proposed to be continued, were and will be conditioned by the provision that in no event shall the charges determined thereunder be less than those determined on the basis of the applicable minimum rates provided in the currently effective minimum rate orders of the Commission.

Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable in the future.

The certificate of service shows that a copy of the petition and application was mailed to California Trucking Association and O-N-C Motor Freight System, on September 9, 1970. The petition and application were listed on the Commission's Daily Calendar of September 11, 1970. No objection to the granting of the petition and application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable and justified by transportation conditions. A public hearing is not necessary. The Commission concludes that the petition and application should be granted.

IT IS ORDERED that:

1. Pozas Bros. Trucking Co., a corporation, is hereby authorized to publish and file the rates and rules for Special Expedited Service set forth in Appendix A attached hereto and by this reference made a part hereof. The rates and charges authorized herein shall be published to expire with December 31, 1970, and June 30, 1971, as provided in said Appendix A.

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 November 1, 1970, and January 1, 1971, as provided in Appendix A, attached hereto, on not less than two days' notice to the Commission and to the public.

3. Pozas Bros. Trucking Co., a corporation, is hereby 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.

4. Pozas Bros. Trucking Co., a corporation, is hereby authorized to transport property, as a highway permit carrier, for Westinghouse Electric Corporation in operations not covered by its highway common carrier certificate at the rates and subject to the rules set forth in Appendix B attached hereto and by this reference made a part hereof. The rates and charges authorized herein shall be in lieu of, but not less than, the minimum rates otherwise applicable.

5. The authority granted in Ordering Paragraph 4 above shall, on and after November 1, 1970, supersede the authority granted by Decision No. 77090 and shall expire with December 31, 1970, and June 30, 1971, as provided in Appendix B, attached hereto.

This order shall become effective October 26, 1970.

Dated at San Francisco, California, this 14th day of October, 1970.

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Chairman  
  
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William ...  
  
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Commissioners  
  
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Commissioners

APPENDIX A TO DECISION NO. 77817

RATES AND RULES FOR SPECIAL EXPEDITED SERVICE  
PERFORMED BY POZAS BROS. TRUCKING CO.

SPECIAL EXPEDITED SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (e) will be applicable to such transportation:

Rates In Cents Per Hour

<u>Rated Capacity of Equipment (Tons)</u>	<u>Effective Nov. 1, 1970, Through Dec. 31, 1970.</u>	<u>Effective Jan. 1, 1971, Through June 30, 1971.</u>
1-1/2	1200	1275
3-1/2	1350	1425

- (a) Minimum charge shall be the rate for one hour or the charge accruing at the class rate applicable to such shipment as provided in Sections 1 and 1-A of this tariff, whichever is greater.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 5,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale and to movements having origin in Visalia.

(End of Appendix A)

APPENDIX B TO DECISION NO. 77817RATES AND RULES FOR SPECIAL EXPEDITED SERVICE  
PERFORMED BY FOZAS BROS. TRUCKING CO.SPECIAL EXPEDITED SERVICE

Upon request of shipper or consignee, expedited service requiring a special trip will be rendered by carrier and the following charges and provisions (a) to (f) will be applicable to such transportation:

Rates In Cents Per Hour

<u>Rated Capacity of Equipment (Tons)</u>	<u>Effective Nov. 1, 1970, Through Dec. 31, 1970</u>	<u>Effective Jan. 1, 1971, Through June 30, 1971.</u>
1-1/2	1200	1275
3-1/2	1350	1425

- (a) Minimum charge shall be the rate for one hour.
- (b) Time shall be computed from the time equipment departs from carrier's established terminal until it returns thereto.
- (c) Shipments shall not exceed 5,000 pounds in weight and equipment shall be utilized by a single shipper or consignee.
- (d) Rates named in this item apply for service performed during regular working hours of 8:00 a.m. through 5:00 p.m., except Saturdays, Sundays and the following holidays: New Year's Day, Washington's Birthday, Decoration (Memorial) Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas. When such holidays fall on Sunday, the following Monday shall be considered a holiday. For services performed at the request of the shipper or consignee at other than said regular working hours and on Saturdays, Sundays and holidays shown, an additional charge equal to the actual additional overtime cost will be made.
- (e) This item is applicable only to movements having origin or destination within ten (10) miles of Sunnyvale and to movements having origin in Visalia.
- (f) In no event shall the charges determined under the above provisions be less than the applicable minimum rates provided in currently effective minimum rate orders of the California Public Utilities Commission.

(End of Appendix B)