

ORIGINAL

Decision No. 78752

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into the rates, rules and 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. 648
(Filed May 3, 1971)

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. 52597
(Filed May 3, 1971)

OPINION AND ORDER

By Decision No. 77817, dated October 14, 1970, Pozas Bros. Trucking Co. (Pozas), a corporation, was authorized to assess 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 transportation performed pursuant to its highway carrier permit the authority was granted to apply on shipments transported for Westinghouse Electric Corporation. These authorities are scheduled to expire with June 30, 1971.

By this petition and application, Pozas seeks modification and extension of the current authorities for an additional period terminating with June 30, 1972. Pozas requests the existing authorities be modified by (1) increasing the rates for 1-1/2-ton equipment from \$12.75 to \$13.25 per hour and for 3-1/2-ton equipment from \$14.25 to \$14.75 per hour for the period July 1, 1971, to and including December 31, 1971, and (2) further increasing the rates for 1-1/2-ton equipment to \$13.75 per hour and for 3-1/2-ton equipment to \$15.25 per hour for the period January 1, 1972 to and including June 30, 1972.

It is alleged that the justification offered for the relief set forth in prior petitions and applications still exists and that the sought increases in rates are necessary to offset increases in labor costs which will become effective July 1, 1971 and January 1, 1972.

Revenue and expense data submitted with the application 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 April 30, 1971. The petition and application were listed on the Commission's Daily Calendar of May 5, 1971. No objection to the granting of 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, 1971 and June 30, 1972, as provided in 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 July 1, 1971 and January 1, 1972, as provided in Appendix A on not less than five days' notice to the Commission and the public.

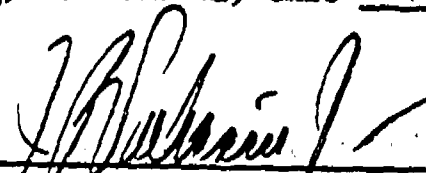
3. Pozas Bros. Trucking Co., a corporation, is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

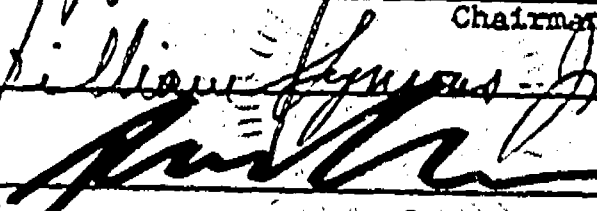
4. Pozas Bros. Trucking Co., a corporation, is hereby authorized to transport property, as a highway permit carrier, for Westinghouse Electric Corporation in operations not covered by its highway common carrier certificate at the rates and subject to the rules set forth in Appendix B attached hereto and by this reference made a part hereof.


5. The authority granted in ordering paragraph 4 shall on and after July 1, 1971 supersede the authority granted by Decision No. 77817 and shall expire with December 31, 1971 and June 30, 1972 as provided in Appendix B, attached hereto.

This order shall become effective on June 21, 1971.

Dated at San Diego, California, this 2nd day of JUNE, 1971.



Chairman


Vernon L. Stinger


Commissioners

APPENDIX A

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 July 1, 1971 Through Dec. 31, 1971</u>	<u>Effective Jan. 1, 1972 Through June 30, 1972</u>
1-1/2	1325	1375
3-1/2	1475	1525

- (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

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 (f) will be applicable to such transportation:

Rates In Cents Per Hour

<u>Rated Capacity of Equipment (Tons)</u>	<u>Effective July 1, 1971 Through Dec. 31, 1971</u>	<u>Effective Jan. 1, 1972 Through June 30, 1972</u>
1-1/2	1325	1375
3-1/2	1475	1525

- (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)