

ORIGINAL

Decision No. 81665

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
 Ted Peters Trucking Company, Inc., to )  
 establish substitution of rail carrier )  
 service for motor carrier service in )  
 accordance with the provisions of )  
 Section Nos. 490 and 491 of the )  
 Public Utilities Code. )

Application No. 54139  
 (Filed June 29, 1973)

OPINION AND ORDER

By this application, Ted Peters Trucking Company, Inc., (Peters) seeks authority to publish tariff provisions necessary to permit Peters to avail itself of trailer-on-flatcar facilities of Southern Pacific Transportation Company as a substitute for highway service between Los Angeles, on the one hand, and Fresno, Oakland, Roseville, San Francisco, San Jose and Stockton, on the other hand. Authority is also sought under Sections 490 and 491 of the Public Utilities Code to permit publication of the proposed tariff provisions and to establish such proposed provisions on five days' notice to the Commission and to the public, respectively.

Peters possesses a certificate of public convenience and necessity from this Commission authorizing service between the points for which substituted rail service authority is sought herein. The rates published for the account of Peters for service performed entirely by truck will be assessed the shipper when Southern Pacific Transportation Company substitutes its service for that of Peters at the option of the latter. Under the proposal, rail substituted service will not be used if the shipper so directs.

The verified application shows that a copy thereof was served on California Trucking Association. The application was listed on the Commission's Daily Calendar of July 2, 1973. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that the establishment of substituted rail service as specifically proposed in the application, on five days' notice, would not be adverse to the public interest. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

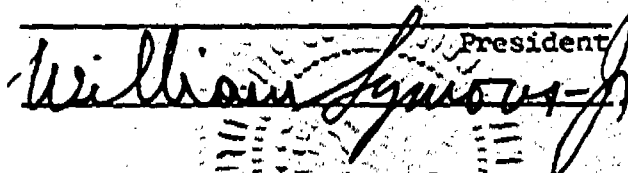

1. Ted Peters Trucking Company, Inc., is authorized to publish, on behalf of Southern Pacific Transportation Company and itself, tariff provisions for substituted rail service as proposed in the application and to depart from the provisions of General Order No. 80-A to the extent necessary to publish said tariff provisions.
2. Ted Peters Trucking Company, Inc., is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code in connection with rates that are currently maintained for its account under outstanding long- and short-haul authorities.
3. 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.
4. The authority herein granted shall expire unless exercised within 120 days after the effective date hereof.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 31<sup>st</sup> day of July, 1973.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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

  
President  
  
Commissioners