

Decision No. 36446

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of )  
W. J. TANNAHILL, M. F. TANNAHILL, )  
and E. J. TANNAHILL, co-partners )  
doing business under the name and )  
style of W. J. TANNAHILL & SONS, )  
for authority to charge less than )  
minimum rates. )

Application No. 21909

BY THE COMMISSION:

FIFTH SUPPLEMENTAL OPINION AND ORDER

This application involves the city and highway carrier service performed by applicants for Owens-Parks Lumber Company. Applicants transport lumber and forest products (except sash and doors) from Owens-Parks' yard in Vernon to points within a 30-mile radius of that yard. For this service, they were authorized to observe rates lower than those established as minima.<sup>1</sup> This authority expired May 26, 1943. Its indefinite extension is now

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<sup>1</sup> Permission to observe, for a one-year period, rates lower than those otherwise prescribed as minima was granted by Decision No. 30960 of June 6, 1938, in this proceeding. This decision authorized the observance of a rate of \$1.50 per thousand board feet for all deliveries of the commodities involved within the 30-mile radius of the shipper's yard at Vernon. It also provided for the assessment of penalty charges for delays ranging from \$1.10 to \$2.59 per hour based upon the type of equipment. Subsequent decisions extended this authority to May 9, 1942. Decision No. 35421 of May 26, 1942, reinstated applicants' authority for a further period of one year, modified by increasing the rate for transportation from \$1.50 to \$1.60 per thousand board feet and by increasing the \$1.10 penalty charge to \$1.50. The prescribed minimum rates, unlike the rates authorized in this proceeding, are stated on a weight basis and vary with the size of the shipment and the classification of the property shipped. The fourth class rates applicable under outstanding minimum rate orders to shipments such as those here involved range from 4-3/4 cents per 100 pounds on minimum lots of 20,000 pounds for distances of 3 miles or less to 33 cents for any-quantity lots transported over 25 but not over 30 miles.

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sought.

Applicants represent that, although some increases in operating expenses have been experienced since the authority in question was granted, these increases have not impaired their ability to handle the traffic involved at a satisfactory profit. Increased costs, applicants claim, have been offset by operating economies resulting principally from arrangements with the interested shipper under which full truckloads are accumulated for delivery in the same general vicinity. Operations under these changed conditions are said to have been profitable.

It appears that this is a matter in which a public hearing is not necessary and that reinstatement of applicants' authority is justified. Due, however, to the possibility that the conditions under which the service is rendered may change at any time, the authority will be limited to a one-year period.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that W. J. Tannahill, M. F. Tannahill and E. J. Tannahill, copartners doing business as W. J. Tannahill & Sons, be and they are hereby authorized to transport the commodities hereinafter described for Owens-Parks Lumber Company within the territory specified below at rates less than the established minimum rates, but not less than the following:

\$1.60 per thousand board feet on all lumber and forest products as described in Item No. 660 of Highway Carriers' Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended, in Case No. 4246), except sash and doors, delivered within a radius of 30 miles computed in accordance with Distance Table No. 3 (Appendix "A" of Decision No. 31605, as amended, in Cases Nos. 4088, Part "N", 4145 and 4246), of the Vernon yard of Owens-Parks Lumber Company.

Hourly penalty charges shall be assessed in addition to the foregoing for unnecessary delays in loading, C.O.D. and all other delays, in accordance with the following basis:

\$1.50 per hour for 4-wheel  $1\frac{1}{2}$  ton trucks  
1.50 per hour for 6-wheel  $1\frac{1}{2}$  ton trucks  
2.20 per hour for 2-ton trucks  
2.59 per hour for trucks of over 2 tons

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<sup>2</sup> Inasmuch as the authority previously granted has expired, the request for its extension will be treated as an application for its reinstatement.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire one (1) year from the effective date of this order unless sooner changed, canceled or extended by appropriate order of the Commission.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of June, 1943.

Francis R. Havenue

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Richard L. Kachse

W. M. Olson  
Commissioners