

Decision No. 38032

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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:

SEVENTH SUPPLEMENTAL OPINION AND ORDER

ORIGINAL

For reasons set forth in Decision No. 30960 of June 6, 1938, as amended, in this proceeding, applicants were authorized to transport lumber and forest products for Owens-Parks Lumber Company, from its Vernon lumber yard to points within a 30-mile radius thereof, at rates less than the established minimum rates. This authority expired June 22, 1945. An indefinite extension of the authority is sought.¹ The verified supplemental application shows that the need for relief from the established minimum rates is as great now as at the time the original authority was granted; that unusually favorable conditions obtain in the handling of this traffic; and that the authorized rates are compensatory.

It appears that this is a matter in which a public hearing is not necessary and that the sought authority should be reinstated. However, due 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,

¹ As the authority has expired, the supplemental application will be considered as a request for reinstatement.

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 described 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.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall expire one (1) year from the effective date hereof 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 26th day of June, 1945.

David Rudman
Justice J. C. Quinn
Richard L. Lark
James P. Powell
Commissioners