

ORIGINAL

Decision No. 43964

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)	Case No. 4808
carriers and city carriers relating)	
to the transportation of property.)	

SUPPLEMENTAL OPINION AND ORDER

Frank C. Winans and Grant A. Winans, copartners doing business as Winans Brothers, operate a highway common carrier service for the transportation of lumber and forest products. By petition in this proceeding they seek authority to maintain, for an additional period of one year, a certain rate which is now published to expire with March 31, 1950.

Petitioners' initial highway common carrier tariff became effective on February 27, 1950, by virtue of certificate granted by Decision No. 43424.¹ That decision authorized petitioners to establish and maintain, as a highway common carrier, the rate herein involved "subject to the same conditions as the rate authorized by Decision No. 42666."² The latter decision authorized the present petitioners, then operating as a permitted carrier, to charge a rate of 32 cents per 100 pounds, minimum weight 40,000 pounds per shipment, for transportation of seasoned cedar lumber for Hudson Lumber Company from Elkins Sawmill situated approximately one and one-half miles north of Anderson to the plant of Hudson Lumber Company in San Leandro. The rate was made to expire with March 31, 1950, unless sooner canceled, changed or extended by order of the Commission.

¹ Dated October 18, 1949, in Application No. 29621, 49 Cal.P.U.C. 167.

² Dated March 29, 1949, in Application No. 30100, 48 Cal.P.U.C. 622.

The verified petition shows that circumstances underlying the establishment of the rate are still prevalent; that the operation has proved profitable; that characteristics of the movement differ from those prevailing in normal situations; and that continuation of the rate is necessary in order to preserve the traffic for for-hire carriage. It appears that a public hearing is not necessary and that the petition should be granted to the extent necessary to permit continuation of the rate as heretofore authorized. Publication on less than statutory notice, and a prompt effective date of the instant order, are necessary if a lapse in the rate is to be avoided. Petitioners' tariff discloses that the rate as published therein was made subject to restrictions and conditions not authorized by Decision No. 42666, supra. The order herein will not authorize continuance of such limitations, which, specifically, are those set forth in Paragraphs (c), (d) and (e) of Item No. 285.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Frank C. Winans and Grant A. Winans, copartners doing business as Winans Brothers, be and they are hereby authorized to extend until April 1, 1951, on five (5) days' notice to the Commission and to the public, the effective date of the rate set forth in Item No. 285 of California Motor Tariff Bureau Local Freight Tariff No. 2, Cal.P.U.C. No. 5 of A. H. Glickman, Agent, except as specified hereinabove.

This order shall become effective March 31, 1950.

Dated at San Francisco, California, this 21st day of March, 1950.

R. J. [Signature]
James F. [Signature]
[Signature]
[Signature]
Commissioners