

**ORIGINAL**

**50537**

Decision No. \_\_\_\_\_

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 carriers and city )  
carriers relating to the transportation )  
of general commodities (commodities for )  
which rates are provided in Highway )  
Carriers' Tariff No. 2). )

Case No. 5432  
(Petition No. 46)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 49018, in Application No. 34316, J. H. Devine and J. J. Devine, copartners doing business as Devine and Son Trucking Company, were authorized to publish a rate lower than the established minimum rate for the transportation of lumber from Elk Creek to Sacramento. The published rate of 18 cents per 100 pounds, minimum weight 40,000 pounds, expired September 13, 1954. The applicable minimum rate is 23 cents, minimum weight 30,000 pounds. Permission is sought to continue to maintain the lower rate.

The petition alleges that the conditions surrounding the transportation in question which justified the publication of the rate lower than the minimum rate generally still obtain and that operations under that rate will be profitable.

It appears that this is a matter in which a public hearing is not necessary and that the sought authority is justified. Because conditions may change, the authority will be made to expire at the end of one year. Inasmuch as the rate of 18 cents expired September 13, 1954, the order herein will be made effective immediately and the tariff filing will be authorized to be made on two days' notice.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that J. H. Devine and J. J. Devine, copartners doing business as Devine and Son Trucking Company, be and they are hereby authorized to publish and file, and to make effective on not less than two days' notice to the Commission and to the public, a rate of 18 cents per 100 pounds, minimum weight 40,000 pounds, for the transportation of lumber from Elk Creek to Sacramento.

IT IS HEREBY FURTHER ORDERED that the rate established under the authority herein granted shall be published to expire one year after the effective date of this order, unless sooner canceled, changed or extended by order of the Commission.

The effective date of this order shall be the date hereof..

Dated at San Francisco, California, this 14<sup>th</sup> day of September, 1954.

Richard E. Marshall  
President  
Matthew J. Collins  
Benjamin J. Feltus  
Deane Higgins

Commissioners