

**ORIGINAL**

Decision No. 51543

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
BILL HOLLINGSWORTH, (Individual), for )	
authority to haul lumber by estimated )	Application No. 36950
weight per thousand feet board )	
measure. )	

OPINION AND ORDER

Applicant holds a highway contract carrier permit. He transports green lumber from E. B. Yancey's Mill at Tollhouse (Fresno County) to various consignees in Fresno, a distance of 40 constructive miles. By this application he seeks authority to assess rates based on an estimated weight of 4,250 pounds per 1,000 feet board measure in lieu of actual scale weights for this transportation. The rates he would observe are those set forth in Minimum Rate Tariff No. 2.

The application points out that prior to November 10, 1950, Item No. 680 of Highway Carriers' Tariff No. 2 (now Minimum Rate Tariff No. 2) provided estimated weights for lumber to be used when no scale or other means of ascertaining actual weights was available. The estimated weight for green lumber was 3,300 pounds per 1,000 feet board measure. By Decision No. 44893 of October 10, 1950, that estimated weight provision was canceled because it was found that there were wide variations in green lumber weights and that most shipments of green lumber involved long hauls where scales were available en route.

Applicant states that in order to weigh his shipments at the nearest scale of sufficient capacity he would have to make a round trip of 16 miles off his regular route through the city of Fresno. He declares that having to go to this scale would cause a serious reduction in his net revenue.

The application shows that the proposed estimated weight is a weighted average of all the lumber to be shipped. The annual movement is said to approximate four million feet board measure.

Interested parties have been notified of the filing of this application. No one has opposed its being granted.

In consideration of all the circumstances herein involved the Commission concludes and finds as a fact that the charges resulting from the application of the proposed estimated weight will be reasonable. This is a matter in which a public hearing is not deemed necessary. The application will be granted. Applicant holds a permit as a radial highway common carrier as well as a contract carrier. Section 3542 of the Public Utilities Code forbids carriers to operate both as a common carrier and as a highway contract carrier of the same commodities between the same points. Accordingly, the authority hereinafter granted will contain a restriction to preclude conflict with the statutory prohibition. Because the conditions which justify the granting of the sought authority may change, the authority will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

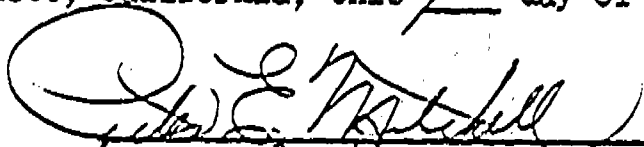
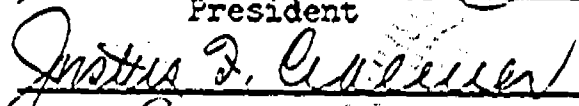
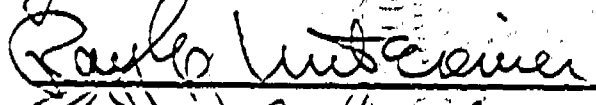
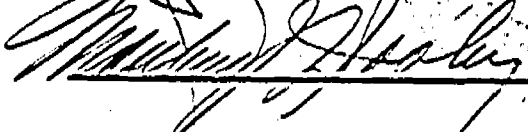
(1) That Bill Hollingsworth be and he is hereby authorized to transport green lumber as a contract carrier for E.B. Yancey's Mill from Tollhouse to Fresno at an estimated weight of 4,250 pounds per 1,000 feet board measure in lieu of actual weight.

(2) That the authority herein granted shall expire one year after the effective date of this order, unless sooner canceled, changed or extended by order of the Commission.

(3) That during the period that the authority herein granted is in effect the aforesaid applicant shall not engage in the transportation of lumber from Tollhouse to Fresno as a radial highway common carrier, and that any such transportation which applicant may perform in violation of these provisions shall be cause for revocation of the authority herein granted.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of June, 1955.

  
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President  
  
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Commissioners