

52947

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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|--|---|-----------------------|
| In the Matter of the Application of |) | |
| W. J. TANNAHILL, M. F. TANNAHILL, and |) | |
| E. J. TANNAHILL, copartners doing |) | Application No. 21909 |
| business under the name and style of |) | (18th Supplemental) |
| W. J. Tannahill & Sons, for authority to |) | |
| charge less than minimum rates. |) | |

NINETEENTH SUPPLEMENTAL OPINION AND ORDER

Applicants hold city carrier and highway contract carrier permits. They transport lumber and other forest products for the Owens-Parks Lumber Company from the latter's yard at Vernon to points within a radius of 30 miles thereof. Prior orders in this proceeding have authorized applicants to deviate from the established minimum rates by assessing charges on a board-foot basis in lieu of the weight basis. The present authorization is scheduled to expire April 30, 1956. Permission is sought, under the provisions of Sections 3666 and 4015 of the Public Utilities Code, to continue to deviate from the minimum rates. Applicants propose, however, to increase by approximately 10 percent the rates and charges presently authorized.

The supplemental application shows that the applicants have been assessing the proposed rate of \$2.75 per thousand board feet since August 1, 1955, and that this rate generally produces a greater revenue than would result from the minimum rates otherwise applicable. Applicants also represent that the proposed increased rates and charges offset the higher operating costs which have been incurred, and that operations may reasonably be expected to be profitable during the ensuing year. In other respects the conditions which previously justified deviation from the minimum rates still obtain.

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable and consistent with the public interest. This is a matter in which a public hearing is not necessary. The supplemental application will be granted. Because the conditions underlying the service may change, the authority will be limited to a one-year period unless sooner changed, canceled or extended. The special rate authority herein sought and granted is not applicable to common carrier services.¹ Applicants hold a radial highway common carrier permit as well as the contract and city carrier permits. 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. The authority hereinafter granted will contain the necessary restriction to avoid conflict with the statutory prohibition. To prevent a lapse of applicants' authority, the following order will be made effective April 30, 1956.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) 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 lumber and forest products, as described in Item No. 660 of Minimum Rate Tariff No. 2, except sash and doors, for the Owens-Parks Lumber Company from the lumber company's yard at Vernon to points within a radius of 30 miles thereof, as computed in accordance with the rules in Distance Table No. 4, at rates less than the established minimum rates, but not less

¹ Section 3542 of the Public Utilities Code reads as follows: "No person or corporation shall engage or be permitted by the Commission to engage in the transportation of property on any public highway, both as a common carrier and as a highway contract carrier of the same commodities between the same points."

than \$2.75 per thousand board feet, subject to the following additional charges:

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:

- \$2.75 per hour for trucks of 2 tons or less.
- \$3.20 per hour for trucks of over 2 tons.

(2) That the authority herein granted shall expire April 30, 1957, unless sooner changed, canceled or extended by order of the Commission.

(3) That any transportation performed by applicant as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

This order shall become effective April 30, 1956.

Dated at San Francisco, California, this 24th day of April, 1956.

W. E. [Signature]
President

Justus J. [Signature]

Ronald [Signature]

[Signature]

[Signature]

Commissioners