

C. 5432 (Pet. 46) - AMS

Decision No. 53606

ORIGINAL

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 Minimum Rate)
Tariff No. 2).)

Case No. 5432
(Petition No. 46)
(Second Supplemental)

INTERIM SUPPLEMENTAL OPINION AND ORDER

J. H. Devine and J. J. Devine, copartners doing business as Devine and Son Trucking Company, operate as a highway common carrier of lumber. By prior orders in this proceeding they were authorized to publish a rate lower than the established minimum rate for the transportation of lumber from Elk Creek (Glenn County) to Sacramento. The published rate of 19 cents per 100 pounds, minimum weight 40,000 pounds, expires September 14, 1956. By this supplemental petition, permission is sought to continue to maintain this rate for a further one-year period.

The supplemental petition states that, except for certain increased costs, the conditions which justified the publication of a rate lower than the minimum rate still obtain. It further states that the cost increases have been offset by greater operating efficiencies. A cost study submitted with the supplemental petition shows that the proposed rate would return costs and make provision for a profit. Petitioners assert also that the principal shipper using the service now owns and operates

C. 5432 (Pet. 46) - AMS

motor truck equipment for the transportation of certain of its products, and that if the sought authority is not granted the traffic will be lost to proprietary operations.

Minimum rates established by this Commission may not exceed the current rates of common carriers by land (Public Utilities Code, Sec. 3663). Accordingly, a reduced rate authorized for and published by the petitioners herein becomes the minimum rate for all carriers. There is now in issue in other pending proceedings the question whether, or under what circumstances, minimum rates between specified points should thus be established or adjusted upon the particular experience of a single carrier.¹

Pending resolution of this question, petitioners will be authorized to continue the proposed rate for a further six-month period. The instant petition may be scheduled for hearing in the meantime if it appears necessary or desirable to do so.

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, on not less than five days' notice to the Commission and to the public, to publish

1

Case No. 5438 (Pet. No. 12) - George C. Smith, Jr., doing business as Smith Transportation Co.; Case No. 5432 (Pet. No. 32) - Winans Bros. Trucking Co.; and Application No. 34010 (Third Supplemental) - Lester J. and John H. Geijsbeek, doing business as Geijsbeek Truckers.

C. 5432 (Pet. 46) - AMS

and file a rate of 19 cents per 100 pounds, minimum weight 40,000 pounds, to expire March 14, 1957, for the transportation of lumber from Elk Creek to Sacramento.

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

Dated at San Francisco, California, this 21 day of August, 1956.

President

Justin D. Casner

Ray G. Linterman

R. Hardy

Commissioners