

**ORIGINAL**

Decision No. ~~54539~~

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  
(Pet. No. 46)  
(Second Supplemental)

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 of 19 cents per 100 pounds, minimum weight 40,000 pounds, which rate is lower than the established minimum rate, for the transportation of lumber from Elk Creek (Glenn County) to Sacramento.

By Second Supplemental Petition No. 46, filed July 17, 1956, petitioners requested permission to continue to publish the rate for a further one-year period. By Decision No. 53606 of August 21, 1956, an interim order was issued granting them the authority but limited to a six-month period pending resolution of the question of whether the rate authorized therein should be established in Minimum Rate Tariff No. 2.<sup>1</sup> As this question has not yet been resolved and the present rate expires March 14, 1957, extension of the published rate for the balance of the one-year

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<sup>1</sup> Minimum rates established by this Commission may not exceed the current rates of common carriers by land (Public Utilities Code, Sec. 3663). Accordingly, the rates authorized for and published by the petitioners herein become the minimum rates for all carriers. There is now in issue in another proceeding the question whether, or under what circumstances, the type of rates herein proposed shall be established in the minimum rate tariffs. (Case No. 5438 (Pet. No. 12) - George C. Smith, Jr., doing business as Smith Transportation Co.)


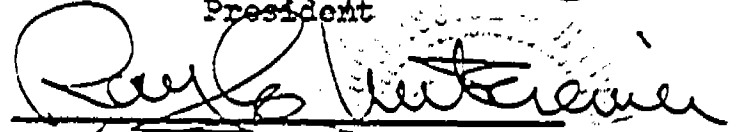

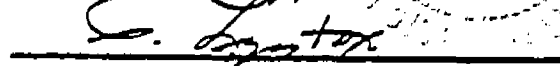
period originally requested will be authorized.

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 and file a rate of 19 cents per 100 pounds, minimum weight 40,000 pounds, to expire September 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 19<sup>th</sup> day of February, 1957.

  
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President  
  
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Commissioners