

ORIGINAL

Decision No. 54769

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. 1)  
(Fifth Supplemental)

SUPPLEMENTAL OPINION AND ORDER

Winans Bros. Trucking Co., a corporation, operates as a highway common carrier of lumber and forest products. By prior orders in this proceeding, Frank C. Winans and Grant A. Winans, copartners doing business as Winans Brothers, were authorized to publish a rate lower than the established minimum rate for the transportation of cedar pencil stock from Anderson (Shasta County) and points within four miles thereof to San Leandro. The published rate of 35 cents per 100 pounds, minimum weight 40,000 pounds, expires April 1, 1957. By this supplemental petition, Winans Bros. Trucking Co., a corporation, successor to Frank C. Winans and Grant A. Winans, a copartnership, seeks to continue to maintain this rate for a further one-year period.

The supplemental petition states that the conditions surrounding the transportation in question which justified the publication of the rate lower than the minimum rate still obtain. Petitioner shows that operations under that rate have

been profitable and are expected to continue to be profitable during the ensuing year.

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 applicant herein become the minimum rate for all carriers. There is now in issue in another proceeding the question whether, or under what circumstances, the type of rates herein proposed should be established in the minimum rate tariffs.<sup>1</sup> The supplemental petition will be authorized pending the resolution of this question.

In the circumstances it appears, and the Commission finds, that the proposed rate is reasonable and justified by transportation conditions. This is a matter in which a public hearing is not necessary. In view of the expiration of the previous authority, the order will be made effective on the date hereof, and the tariff filing will be authorized to be made on not less than two days' notice.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Winans Bros. Trucking Co., a corporation, be and it is hereby authorized, on not less than two days' notice to the Commission and to the public, to

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Case No. 5438(Petition No. 12) - George C. Smith, Jr., doing business as Smith Transportation Co.

publish and file a rate of 35 cents per 100 pounds, minimum weight 40,000 pounds, to expire April 1, 1958, for the transportation of cedar pencil stock from Anderson, and points within four miles thereof, to San Leandro.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 2<sup>nd</sup> day of April, 1957.

*John E. Madsen*  
President  
*Paula Kuterer*  
*Wm. J. Paul*  
*R. H. Hoff*  
*E. Lynn Fox*  
Commissioners