

ORIGINAL

Decision No. 54889

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
W. J. TANNAHILL, M. F. TANNAHILL,)	
and E. J. TANNAHILL, copartners)	Application No. 21909
doing business under the name and)	(19th Supplemental)
style of W. J. Tannahill & Sons,)	
for authority to charge less than)	
minimum rates.)	

TWENTIETH 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 shipper'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 a charge of \$2.75 per thousand board feet subject to hourly penalty charges in lieu of the minimum rates which are subject to a weight basis and a distance factor. The present authorization is scheduled to expire April 30, 1957. 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 the authorized rate to \$2.90 per thousand board feet as well as to increase the penalty charges.

The supplemental application shows that the applicants have been assessing the proposed rate of \$2.90 per thousand board feet since September 1, 1956. A statement submitted with the application shows that the increased rate will result in a profit for the ensuing year and will offset increased drivers' wages. The application also states that substantially all of applicants'

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business is with the one shipper and unless the authority is continued, the shipper will revert to private transportation. In other respects the conditions which previously justified deviation from the minimum rates still obtain. The Transportation Division staff has reviewed the supplemental application and has recommended that it be granted as proposed.

In the circumstances it appears, and the Commission finds, that the proposed charges 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 by order of the Commission. In view of the expiration date of the present authority, the order will be made effective April 30, 1957.

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 than \$2.90 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:

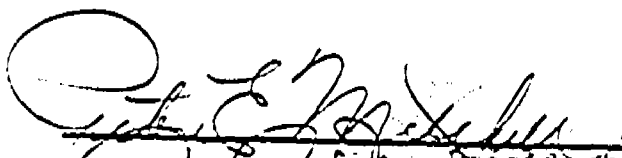
\$3.00 per hour for trucks of 2 tons or less.
\$3.50 per hour for trucks of over 2 tons.

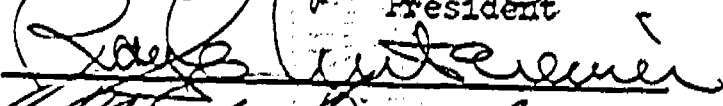
(2) That the authority herein granted shall expire April 30, 1958, unless sooner changed, canceled or extended by order of the Commission.

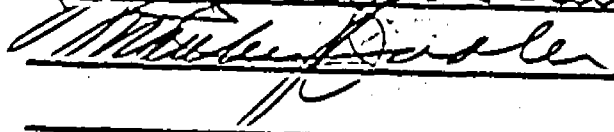
(3) That any transportation performed by applicant as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

This order shall become effective April 30, 1957.

Dated at San Francisco, California, this 22nd day of April, 1957.



President




Commissioners