

ORIGINAL

Decision No. 55211

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. 32)
(Fourth Supplemental)

SUPPLEMENTAL OPINION AND ORDER

Winans Bros. Trucking Co., a corporation, operates as a highway common carrier of lumber. By Decision No. 54210 of December 4, 1956, in this proceeding, it was authorized to publish a rate lower than the established minimum rate for the transportation of lumber and forest products from Hayfork (Trinity County) to Redding. The published rate of 18 cents per 100 pounds, minimum weight 34,000 pounds, expires July 4, 1957. By this supplemental petition, permission is sought 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. It further states that the volume of the transportation has been substantial and that an even larger volume of traffic is anticipated. Petitioner shows by a profit and loss statement and a cost study appended to the supplemental petition that the operations here involved have been profitable and will continue to be profitable. The Transportation Division staff has reviewed the financial and cost data and recommends granting the petition.

Minimum rates established by this Commission may not exceed the current rates of common carriers by land (Public Utilities Code, Sec. 3663). Accordingly, the rate authorized for and published by the applicant herein becomes the minimum rate for all carriers. In the Order Setting Hearing dated June 26, 1956, the Commission ordered that hearings be held in Case No. 5432 on a common record with Petition No. 32, Case No. 5432, for the purpose of determining whether Minimum Rate Tariff No. 2 should be amended to include therein the rate authorized in Petition No. 32 for the transportation of lumber and forest products between Hayfork and Redding. These hearings were held on August 28, 29 and 30, 1956. The Order Setting Hearing was held open and continued by Decision No. 54210, supra. The question of whether this type of rate should be established in the minimum rate tariffs is in issue in another proceeding.¹ Meanwhile, petitioner will be authorized to publish the proposed rate.

In the circumstances, it appears and the Commission finds that the proposed rate is reasonable and justified by transportation conditions. A public hearing is not necessary. The supplemental petition will be granted. In view of the expiration of the previous authority, the order will be made effective immediately and the tariff filing will be authorized to be made on not less than one day's notice.

Therefore, good cause appearing,

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

IT IS HEREBY ORDERED that Winans Bros. Trucking Co. be and it is hereby authorized, on not less than one day's notice to the Commission and to the public, to publish and file a rate of 18 cents per 100 pounds, minimum weight 34,000 pounds, to expire July 4, 1958, for the transportation of lumber and forest products from Hayfork to Redding.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 2nd day of July, 1957.

John E. Madhul
President
Paul J. Ginter
William D. Dool
R. H. H. H.
E. L. Fox
Commissioners