

**ORIGINAL**

Decision No. 55454

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)  
(Third Supplemental)

SUPPLEMENTAL OPINION AND ORDER

Devine and Son Trucking Co., a corporation, operates as a highway common carrier of lumber. By prior orders in this proceeding a predecessor partnership was 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.<sup>1</sup> That rate is published to expire September 14, 1957. By Third Supplemental Petition No. 46 the corporation requests permission to continue to publish the rate for a further one-year period but with the minimum weight being increased to 43,000 pounds.

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 will be offset by the proposed increase in the minimum weight. A cost study submitted with the supplemental petition shows that the proposed rate would return costs and make provision for a profit. The Transportation Division staff has

---

<sup>1</sup> Decision No. 54964 of May 14, 1957, in Application No. 39007 authorized transfer of the authority to the corporation.

reviewed the cost study and recommends granting the supplemental petition.

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 petitioner herein becomes the minimum rate for all carriers. There is now in issue in another proceeding the question whether, or under what circumstances, the type of rate herein proposed should be established in the minimum rate tariffs.<sup>2</sup> 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 date of the present rate the order will be made effective in ten days.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Devine & Son Trucking Co., a corporation, be and it is 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 43,000 pounds,

---

<sup>2</sup> Case No. 5438 (Pet. No. 12) - George C. Smith, Jr., doing business as Smith Transportation Co.

to expire September 14, 1958, for the transportation of lumber from Elk Creek to Sacramento.

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

Dated at Los Angeles, California, this 27<sup>th</sup> day of August, 1957.

\_\_\_\_\_  
President  
*Ralph Winterman*  
\_\_\_\_\_  
*R. H. ...*  
\_\_\_\_\_  
*E. ...*  
\_\_\_\_\_  
Commissioners