

Decision No. 57080**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
M. G. CARPENTER, doing business as )	
MELS, for permission for relief )	Application No. 39987
from the tariff provisions requiring )	Amended
weights being obtained on each ship- )	
ment. )	

OPINION AND ORDER

M. G. Carpenter, doing business as MELS, holds a permit as a highway contract carrier for the transportation of veneer plant residue in Humboldt County. By the above-entitled application, as amended, he seeks authority to deviate from the requirements in Minimum Rate Tariff No. 2 of assessing charges on a weight basis for shipments from the Eureka Plywood Plant of the Simpson Redwood Company, Eureka, to the mill of Southern Humboldt Lumber Company, Carlotta.

Applicant states that the commodity involved consists of the unusable residue left over after removing that part of the log that can be used for veneer, that the residue logs are then manufactured into lumber studs at Carlotta, and that this use of the residue logs results in the utilization of a material that would otherwise be burned as waste. Applicant further states that the transportation charge is the prime cost factor in determining if the residue logs can be used and that although there is a public scale enroute, weighing of each shipment would entail considerable delays, reducing the number of trips possible and increasing the cost of transportation. The application shows that each shipment weighs not more than 24,000 pounds and that charges now being assessed are

based on the minimum rate subject to a minimum weight of 30,000 pounds.

Notice of the filing of the application was given to competing carriers. No objection to its being granted has been received. It does not appear that a public hearing is necessary.

In the circumstances, it appears that granting of the sought authority would not result in charges less than the minimum rates and would assist in the economical use of a commodity that would otherwise be wasted. The Commission is of the opinion and hereby finds that applicant's proposal is reasonable. The application, as amended, will be granted. Because the conditions under which the service is performed may change at any time, the authority will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

Applicant also holds a permit to operate as a radial highway common carrier. Section 3542 of the Public Utilities Code provides that no person or corporation shall engage in the transportation of property both as a common carrier and as a highway contract carrier of the same commodities between the same points. In order to avoid possible violation of these statutory provisions, a limitation will be placed upon applicant's service as a radial highway common carrier during the existence of the authority herein granted.

Therefore, good cause appearing,

IT IS ORDERED:

1. That M. G. Carpenter, doing business as MELS, be and he is hereby authorized to transport, as a highway contract carrier, veneer plant residue from the Eureka Plywood Plant of the Simpson Redwood Company in Eureka to the Southern Humboldt Lumber Company Mill at Carlotta, using a tractor and 20-foot semitrailer, shipments of approximately 24,000 pounds or less, without weighing the shipments,

and subject to a minimum weight of 30,000 pounds per semitrailer load.

2. That during the period that the authority herein granted is in effect, the aforesaid applicant shall not engage in the transportation of the same commodities between the points involved in this authority as a radial highway common carrier, and that any such transportation which applicant may perform in violation of these provisions shall be cause for revocation of the authority herein granted.

3. That the authority herein granted shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of July, 1958.

E. Lynn Fox  
President  
Robert L. ...  
Paul S. ...  
Theodore ...  
Commissioner