

ORIGINAL

Decision No. 58200

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)
doing business under the name and) Application No. 40895
style of W. J. Tannahill & Sons,)
for authority to deviate from the)
established minimum rates.)

OPINION AND ORDER

Applicants hold radial highway common, city carrier and highway contract carrier permits.¹ 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 Application No. 21909 have authorized applicants, under Sections 3666 and 4015 of the Public Utilities Code, to deviate from the established minimum rates by assessing a rate of \$2.90 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, 1959. By this application authority is sought to continue to deviate from the minimum rates.

According to the application, the conditions which justified deviation from the minimum rates still obtain. A statement submitted with the application indicates that operations under the current rate arrangement have been profitable and may reasonably be expected to be profitable during the ensuing year. The application also states that virtually all of applicants' business is with the one shipper, and that the shipper will revert to private transportation unless the authority is continued. The

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Applicants' radial highway common carrier permit is conditioned to exclude the transportation involved in this proceeding (Decision No. 56580 of April 22, 1958, in Application No. 21909).

Transportation Division staff has reviewed the application and has recommended that it be granted.

A copy of the application was served on California Trucking Associations, Inc. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rate and charges are reasonable and consistent with the public interest. The application will be granted. A public hearing is not necessary. 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.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That W. J. Tannahill, M. F. Tannahill, and E. J. Tannahill, copartners doing business as W. J. Tannahill & Sons, 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 capacity
or less
\$3.50 per hour for trucks of over 2 tons capacity.

(2) That the authority herein granted shall expire April 30, 1960, unless sooner changed, canceled or extended by order of the Commission.

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

Dated at San Francisco, California, this 31st day of March, 1959.

E. L. Fox
President
John E. Dwyer
William D. Fish
Theodore H. Dwyer
Garrett R. W. Rye
Commissioners