

ORIGINAL

Decision No. 61792

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)
style of W. J. Tannahill & Sons,)
for authority to deviate from)
the established minimum rates.)

Application No. 43201

OPINION AND ORDER

By Decision No. 59959, dated April 19, 1960, in Application No. 42049, applicants were authorized to assess rates and charges lower than those prescribed as minimum for the transportation of lumber and other forest products, except sash and doors, for the Owens-Parks Lumber Company from the shipper's yard in Vernon to points within a radius of 30 miles thereof. The authority permits the assessing of a rate of \$3.15 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 current authority is scheduled to expire April 30, 1961.

By this application, filed March 2, 1961, applicants seek authority to continue the current authorization for a further period of one year and one month. Authority is also sought to adjust the rate per thousand board feet from \$3.15 to \$3.30, and to adjust the penalty charges of \$3.25 and \$3.75 per hour for trucks of different capacities, to \$3.75 and \$4.25 per hour, respectively.¹

¹Applicant does not require Commission authority to increase the rates inasmuch as it is a permit carrier for which only minimum rates have been established. Authority for the use of the sought rates beyond April 30, 1961, is required, however, as the rates sought will be on a basis different from that prescribed in the minimum rate orders, and in some instances, below the minimum rates otherwise applicable.

According to the application, the reason for the request for the additional time is that since there is of necessity some delay in closing the books of applicants as of the end of the year, it is difficult to assemble all of the necessary data to prepare the application and file it in time to have the authority renewed prior to the expiration date of April 30. Assertedly, the additional month would alleviate the pressure experienced each year by reason of the time element.

Applicants allege that the aggregate gross revenue on the subject traffic by application of the thousand-board-foot rate is substantially greater than would result if the Commission's minimum rates, on a weight basis, were applied; that there has been no substantial change which affects the operating conditions to an extent which would warrant any change in the present method of handling the traffic; that the conditions shown and presented to the Commission heretofore exist to the same extent and in the same degree and manner; that the need for relief is as great now as it was at the time the original authority was granted; and that a continuation of the departure from the established minimum rates with authorization to assess rates as herein requested will be reasonable and consistent with the public interest.

Cost data set forth in Exhibit A attached to the application indicate that applicants realized a net profit of \$1,320 for the year 1960, and taking into consideration adjustments for increased wages and other expenses, will show an estimated net profit of \$8,211 for the year 1961 at the proposed rates. Applicants state that the Owens-Parks Lumber Company business represents 99.67% of all of their traffic and it is imperative that this business be retained.

The application shows that on or about March 2, 1961, a copy thereof was served upon California Trucking Associations, Inc. No objection to its being granted has been received. The Transportation Division staff has reviewed the verified application and has recommended that it be granted.

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

By a prior order in this matter, applicants' radial highway common carrier permit was restricted to exclude the transportation of the same commodities between the same points as those herein involved. That restriction was necessitated by the provision of Section 3542 of the Public Utilities Code. The Code provision was amended in September, 1959, obviating the need for the permit restriction. It will be eliminated.

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 depart from the provisions of the minimum rate orders otherwise applicable to the services which they perform for Cwens-Parks Lumber Company, to the extent specifically provided in Appendix "A" which is attached hereto and by this reference made a part hereof.

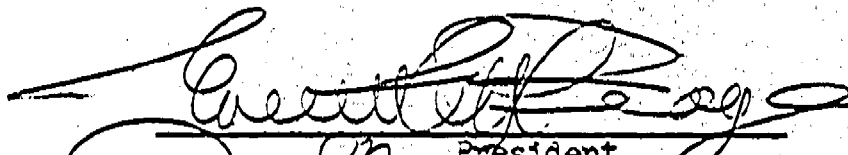
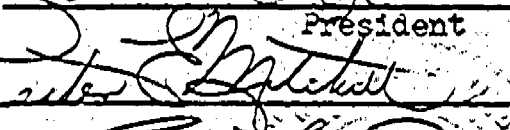
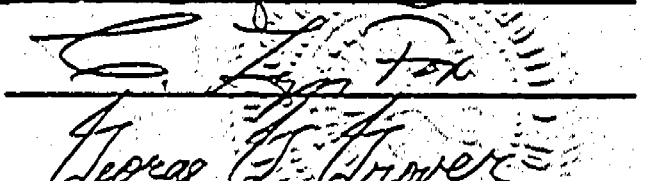
(2) That the limitation placed against the radial highway common carrier permit held by W. J. Tannahill, M. F. Tannahill and E. J. Tannahill, copartners, doing business as W. J. Tannahill & Sons,

by Decision No. 56580, dated April 22, 1958, in Application No. 21909 (20th Supplemental), which excluded the transportation thereunder of the same commodities between the same points as are involved herein, is hereby removed.

(3) That the authority herein granted shall, on and after May 1, 1961, supersede the authority granted by Decision No. 59959, and shall expire on May 31, 1962.

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

Dated at San Francisco, California, this 4th day of April, 1961.


President

George E. Brown

Frederick W. Holbrook
Commissioners

APPENDIX "A" TO DECISION NO. 61792

(1) Rate and charges for the transportation of Lumber and Forest Products as described in Paragraph (2) hereof 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.

\$3.30 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:

\$3.75 per hour for trucks of 2 tons capacity or less.

\$4.25 per hour for trucks of over 2 tons capacity.

(2) LUMBER AND FOREST PRODUCTS, viz.:

Forest Products, whether or not creosoted or otherwise chemically treated, viz.:

Atmospheric Water Cooling Towers, knocked down, and Iron or Steel Fixtures for same, consisting of Castings, Tie Rods not exceeding 30 feet in length, and Turnbuckles, weight of such fixtures not to exceed 10% of the total weight of shipment,

Bark,
Bee Hives, knocked down,
Blocks, wooden paving, creosoted or uncreosoted,
Bolts, wooden,
Brackets, insulator (wooden),
Cants, wheel, wooden, in the rough,
Covers, guy wire,
Cross Arms, wooden, with or without riveted ends, and with or without wooden pins attached,
Heading,
Honey Box Lumber,
Lath,
Lumber,
Pencil Slats,
Pickets,
Piles,
Pins, Insulator,
Pipe Material, wooden (See Note 1),
Pipe, wooden (See Note 1),
Poles, plant, plain, creosoted or stained,
Poles, telegraph and telephone,
Posts,
Sawdust,
Shakes,

LUMBER AND FOREST PRODUCTS (Concluded)

Shavings,
Shingles,
Ship Knees,
Shook, box and crate,
Silo Material, wooden, and Fixtures (See Note 2),
Stakes, plain, creosoted or stained,
Staves,
Steps, pole (wooden),
Stock, battery separator, machined, viz.: grooved,
furrowed or corrugated, not treated with caustic
soda, asphaltum or other solution,
Tank Material, wooden, and Fixtures (See Note 3),
Ties, railroad,
Timbers, rough,
Timbers, mining,
Wedges, mine.

ALSO

BUILDING WOODWORK (HOUSE TRIM), not further finished
than primed, viz.:

Astragals,
Balusters,
Balustrade Work,
Base Boards,
Beads, angle corner, cornice,
Blinds (shutter) slatted or solid,
Blocks (base, center, corner, head),
Built-in Fixtures (See Note 4), viz.:
Book Cases,
Breakfast Nook Sets, consisting of Seat Boards
and Ends, Table Tops and Legs,
Buffets,
Cases or Chests of Drawers,
China Closets,
Cooler Closets,
Cupboards,
Ironing Boards,
Kitchen Cabinets,
Mantel Shelves,
Medicine Cabinets,
Sideboards,
Sinkboards,
Sink Sets,
Telephone Cabinets,
Window Seats,
Caps, column,
Casing, door and window, panel,
Closet and Pantry Fittings,
Columns,
Cornice Brackets,
Frames (Blind, screen and door),
Frames, window, with or without pulleys,
Gable Ornaments,
Grille Work,
Gutters,
Hand Rails,
Jambs, door,

BUILDING WOODWORK (HOUSE TRIM), not further finished
than primed, viz.: (Concluded)

Molding , casing,
Molding, carpenter's,
Paneling,
Pilasters,
Plywood,
Porch Work,
Rosettes,
Screens, door and window,
Scroll Work,
Shelves, knocked down,
Spindles,
Stair Work, (newels, risers, treads, trellises,
railing, balusters, post ornaments),
Veneering,
Wainscoting,
Window Stools and Aprons,

Note 1. - The rates on Pipe Material and Wooden Pipe will include iron bands and wooden or iron connections therefor, consisting of ells, tees, crosses, reducers, bends and weyes, the weight of the iron bands and wooden or iron connections not to exceed 10 per cent of the weight of the entire shipment.

Note 2. - The rates on Silo Material and Fixtures will include doors and fixtures for same, also including iron or steel bands, hoops, lugs and bolts for same. The weight of fixtures, gauge and iron or steel bands, or hoops and lugs not to exceed 20 per cent of the weight of the entire shipment.

Note 3. - The rates on Tank Material and Fixtures will include gauge, iron or steel bands, or hoops and lugs, the weight of fixtures, gauge and iron or steel bands, or hoops and lugs, not to exceed 20 per cent of the weight of the entire shipment.

Note 4. - Rates apply only on Built-in-Fixtures as described to be built in and become a permanent part of Building Woodwork (House Trim).

(End of Appendix "A")