

Decision No. 65447

**ORIGINAL**

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. 45301  
(Filed March 29, 1963)

OPINION AND ORDER

Applicants operate as radial highway common, highway contract and city carriers. By Decision No. 63678 dated May 8, 1962, in Application No. 44321, they 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 30 constructive miles thereof. The authority permits the assessing of a rate of \$3.45 per thousand board feet, subject to hourly penalty charges, in lieu of the minimum rates which are based on weight and distance. The current authority is scheduled to expire May 31, 1963.

By this application, applicants seek authority to continue the current authorization. Authority is also sought to adjust the rate per thousand board feet from \$3.45 to \$3.57, and to adjust the penalty charges of \$3.85 and \$4.35 per hour to \$3.97 and \$4.47 per hour, respectively. In fact, they state that they have been assessing such higher rate and charges since July 1, 1962.<sup>1</sup>

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<sup>1</sup> Applicants do not require Commission authority to increase the rates inasmuch as they are a permitted carrier for which only minimum rates have been established. Authority for the use of sought rates beyond May 31, 1963, is required inasmuch as the rates will be on a basis different from that prescribed in the minimum rate orders and in some instances below the minimum rates otherwise applicable.

Applicants allege that the aggregate gross revenue at the thousand-board-foot rate is substantially greater than would result if the minimum rates were applied; that the shipper requires that transportation charges also be assessed on a board-foot basis in the interest of convenience and efficiency in billing as it sells its lumber on a board-foot basis; that this method of billing has proven simple, economical and effective under cooperative billing arrangements with Owens-Parks; that this method of billing has been in effect for over 23 years; 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 as herein requested will be reasonable and consistent with the public interest.

Operating revenue and expense data set forth in Exhibit B attached to the application indicate that applicants realized a net profit of \$18,130 for the year 1962 and will realize an estimated net profit of \$26,204 for the year 1963 at the proposed rates, taking into consideration adjustments for increased wages and other expenses.

The application shows that on or about March 28, 1963, a copy thereof was served upon California Trucking Association. 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. A public hearing is not necessary. The application will be granted. However, as the conditions surrounding the transportation may change, this authority will be limited to one year.

In view of the expiration date of the current authority, the order which follows will be made effective May 31, 1963.

Good cause appearing,

IT IS ORDERED that:

1. 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 Owens-Parks Lumber Company to the extent specifically provided in Appendix A which is attached hereto and by this reference made a part hereof.

2. The authority herein granted shall, on and after May 31, 1963, supersede the authority granted by Decision No. 63678 and shall expire with May 31, 1964.

The effective date of this order shall be May 31, 1963.

Dated at San Francisco, California, this 21<sup>st</sup> day of May, 1963.

George H. Grover  
President  
Eric C. Hildahl  
Frederick B. Haloboff  
William W. Bennett

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of the Commissioners

APPENDIX A TO DECISION NO. 65447

(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 30 miles thereof, as computed in accordance with the rules in Distance Table No. 4.

\$3.57 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:

\$3.97 per hour for trucks of 2 tons capacity or less.

\$4.47 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,  
 Sile 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)