

Decision No. 66031**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
 into the rates, rules and regulations,  
 charges, allowances and practices of  
 all common carriers, highway carriers  
 and city carriers relating to the  
 transportation of any and all commodities  
 between and within all points and places  
 in the State of California (including  
 but not limited to, transportation for  
 which rates are provided in Minimum Rate  
 Tariff No. 2).

Case No. 5432  
 (Petition for Modifica-  
 tion No. 292)  
 (Filed February 28, 1963)

Frank Loughran, for C. R. Von Arx and L. R. Von  
 Arx, dba Riverview Logging Co., petitioners.  
J. C. Kaspar, A. D. Poe and J. X. Quintrall, for  
 California Trucking Association, interested parties.  
Arthur F. Burns and Eric A. Mohr, for the Commission  
 staff.

O P I N I O N

This petition was heard and submitted July 26, 1963 before  
 Examiner Thompson at San Francisco.

C. R. Von Arx and L. R. Von Arx are partners engaged in  
 the business of transporting property as a highway common carrier  
 under the fictitious name of Riverview Logging Co. On July 28,  
 1962 it acquired the operative right of Blasi Transportation pursuant  
 to authority granted by Decision No. 63691, dated May 14, 1962, in  
 Application No. 44338. Pursuant to authority granted in Decision  
 No. 63456, dated March 20, 1962, in Case No. 5432 (Pet. Mod. 256),  
 Blasi published and maintained in Pacific Motor Tariff Bureau, Inc.,  
 Local Freight Tariff No. 10, a rate of 6 cents per 100 pounds, mini-  
 mum weight 45,000 pounds, for the transportation of sawdust, in  
 bulk, from Cloverdale to Windsor. The rate is lower than the other-  
 wise applicable minimum rate for this transportation.

Petitioner seeks authority to publish and maintain a rate of 7 cents per 100 pounds, minimum weight 45,000 pounds, for this transportation; said rate being lower than the otherwise applicable minimum rate. On April 2, 1963, the Commission in Decision No. 65175 herein, authorized petitioner to establish the rate until October 31, 1963 subject to further consideration of the matter following receipt of evidence which may be adduced at a public hearing.

The evidence shows that the transportation of sawdust by petitioners is performed in the same manner as was performed by Blasi and that the circumstances and conditions relating to the transportation have not changed materially. The point of origin of the shipments is Molalla Forest Products, located three miles south of Cloverdale. The destination is the plant of Fersolin Corporation, located at 1010 Shiloh Road, Windsor. The carrier furnishes only the tractor used in this transportation. The trailer is furnished by Fersolin without charge to the carrier and said trailer equipment is provided with a mechanical unloading device. The trailer is loaded by the consignor. Fersolin pays the transportation charges.

A certified public accountant engaged by petitioner presented an estimate of the cost of conducting this operation. From cross-examination of the witness it is apparent that some of his estimates are understated, however, it is clear from the evidence that the transportation is compensatory.

The testimony revealed that Fersolin's plant is south of Windsor and may be just beyond the pick-up and delivery limits of Windsor. The evidence shows that the plant is located at a rail-head called Shiloh. Petitioner requested that Shiloh be substituted for Windsor in the petition.

California Trucking Association did not protest the granting of the authority but requested that the rate be limited to a routing via U. S. Highway 101 between Cloverdale and Windsor. It was pointed out that the rate, although intermediate in application, is not restricted to any particular route so that theoretically it might be applied as a minimum rate between two points some distance from Cloverdale and Shiloh. Petitioner agreed to the restriction of the rate to a routing via U. S. Highway 101.

We find that the proposed rate of 7 cents per 100 pounds, minimum weight 45,000 pounds, is reasonable and is justified by transportation conditions for the transportation of sawdust, in bulk, from Cloverdale to Shiloh via U. S. Highway 101, on trailer equipment furnished by consignee without charge to the carrier, said trailer equipment to be provided with mechanical unloading device.

Conditions surrounding this transportation may change; accordingly, we conclude that petitioner should be authorized to establish said rate subject to it expiring on October 1, 1964, unless sooner canceled, modified or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. C. R. Von Arx and L. R. Von Arx are authorized to establish, on not less than ten days' notice to the Commission and to the public, a rate of 7 cents per 100 pounds, minimum weight 45,000 pounds, to expire October 1, 1964, for the transportation of sawdust, in bulk, from Cloverdale to Shiloh, subject to the conditions that such rate shall apply only (1) via the routing U. S. Highway 101 direct from Cloverdale to Shiloh; (2) when the carrier furnishes

only the tractor; and (3) when the trailer equipment is furnished by the consignee without charge to the carrier, said trailer equipment to be provided with mechanical unloading device.

2. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of SEPTEMBER, 1963.

*Helen M. Beards*  
President  
*Ed. Mitchell*  
*Conrad W. Regan*  
*George T. Trover*  
*Fredrick B. Hallock*  
Commissioners