

**ORIGINAL**

Decision No. 67772

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|  |   |                            |
|--|---|----------------------------|
| In the Matter of the Investigation     | ) |                            |
| into the rates, rules, regulations,    | ) |                            |
| charges, allowances and practices      | ) |                            |
| of all common carriers, highway car-   | ) | Case No. 5432              |
| riers and city carriers relating to    | ) | (Petition for Modification |
| the transportation of any and all com- | ) | No. 349)                   |
| modities between and within all points | ) | (Filed July 21, 1964)      |
| and places in the State of California  | ) |                            |
| (including, but not limited to, trans- | ) |                            |
| portation for which rates are provided | ) |                            |
| in Minimum Rate Tariff No. 2).         | ) |                            |

OPINION AND ORDER

By Decision No. 65956 dated September 3, 1963, Winans Bros. Trucking Co., a corporation, operating as a highway common carrier, was authorized to publish and file a rate of 16½ cents per 100 pounds, minimum weight 53,000 pounds, for the transportation of lumber and green veneer from Hayfork (Trinity County) to Redding and all points and places within five air line miles of the intersection of Market and Yuba Streets in Redding. This rate is lower than the established minimum rate and is published to expire with September 26, 1964.

By this petition, authority is sought to modify and extend the currently authorized rate for an additional one-year period. The modification consists of the addition of a new point of destination eight miles south of the aforementioned intersection in Redding.

Petitioner avers that the expense of operating the few additional miles will be offset by more favorable traffic conditions resulting from the relocation of its terminal and a substantial reduction in real estate taxes.

Petitioner alleges that the favorable transportation characteristics which are of record in prior proceedings continue to exist. The favorable factors include substantial volume and consistency of traffic, mechanical loading and unloading of shipments, improved highway conditions, and equipment capable of transporting loads weighing 53,000 pounds.

Petitioner asserts that the transportation involved continues to prove profitable and is of vital importance to its operations. Unless the shipper is accorded the benefit of the sought rate, petitioner states that the traffic will be lost to proprietary operations.

The certificate of service shows that a copy of the petition was mailed to California Trucking Association and other interested parties on July 20, 1964. No objection to the granting of the petition has been received.

Petitioner has been performing the transportation herein involved at a rate less than the minimum rate since 1954. Petitioner is not competitively advantaged over other carriers by the authority herein involved, inasmuch as the authorized rate necessarily is published in petitioner's common carrier tariff and is thus available to other carriers under the alternative provisions of the minimum rate tariff.

In the circumstances, it appears and the Commission finds that the proposed rate is reasonable and justified by

transportation conditions. A public hearing is not necessary. The petition will be granted.

IT IS ORDERED that:

1. Winans Bros. Trucking Co., a corporation, is hereby authorized to publish and file, to expire with September 26, 1965, a rate of 16½ cents per 100 pounds, minimum weight 53,000 pounds, for the transportation of lumber and green veneer from Hayfork (Trinity County) to Redding and all points and places within five air line miles of the intersection of Market and Yuba Streets in Redding and from Hayfork (Trinity County) to the carrier's new terminal on U. S. Highway 99 eight miles south of the aforesaid intersection.

2. Tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and to the public.

3. Winans Bros. Trucking Co. is hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to maintain the established minimum rates at points intermediate between Hayfork, on the one hand, and Redding, points and places within five air line miles of the intersection of Market and Yuba Streets in Redding and the carrier's new terminal on U. S. Highway 99 eight miles south of the aforesaid intersection, on the other hand. Schedules containing the rate published under this authority shall make reference to this order.

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

Dated at San Francisco, California, this 25<sup>th</sup> day of August, 1964.

Frederick B. Hallock  
President  
Robert J. [unclear]  
Everett [unclear]  
George A. [unclear]  
William W. [unclear]  
Commissioners