

Decision No. 68177

**ORIGINAL**

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 )  
carriers and city carriers relat- )  
ing 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 Modification No.  
360)  
(Filed October 1, 1964)

OPINION AND ORDER

By Decision No. 66383, dated November 26, 1963, in Case No. 5432 (Petition for Modification No. 311), Devine & Son Trucking Co., a corporation, was authorized as a highway common carrier to publish a rate of 6 cents per 100 pounds, minimum weight 44,000 pounds, for the transportation of lumber from Elk Creek to Willows. The rate is published to expire with December 11, 1964. Petitioner now seeks authority to continue the rate beyond that date.

This authority was originally granted to petitioner by Decision No. 62845 dated November 21, 1961, in Case No. 5432. As shown in said Decision No. 62845, petitioner continuously since 1953 has engaged in the transportation of lumber from Elk Creek to Willows, the nearest railhead, where the lumber is loaded into railroad cars and shipped to destination points by rail. Prior to the authority granted by Decision No. 62845 in 1961, the rail cars were being shipped to locations outside of the State of California. The rate of 6 cents per 100 pounds for the transportation of lumber from Elk Creek to Willows was maintained as an interstate rate during and prior to 1961 and currently is maintained by petitioner as both an interstate and intrastate rate. The authority to establish the

intrastate rate was granted by Decision No. 62845 upon a showing, including a detailed cost study, that petitioner had increasing requests for transportation service on shipments of lumber from Elk Creek to Willows railhead with destination points located within California. Assertedly it was necessary that petitioner publish uniform rates for the same service.

According to the petition, the shipper, Glenco Forest Products Co., requests that the service be continued. Petitioner alleges that revenues produced under the proposed rate have been sufficient to defray the cost of rendering the service, plus a fair and just profit. A cost study attached to the petition indicates that the transportation is profitable.

A copy of the verified petition was mailed to California Trucking Association on September 30, 1964. No objection to the granting of the petition has been received.

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. However, as the conditions surrounding the transportation may change, the authority will be limited to one year.

IT IS ORDERED that:

1. Devine & Son Trucking Co., a corporation, is hereby authorized to publish and file, to expire with December 11, 1965, a rate of 6 cents per 100 pounds, minimum weight 44,000 pounds, for the transportation of lumber from Elk Creek to Willows.

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

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

Dated at San Francisco, California, this 2<sup>nd</sup> day of November, 1964.

Fredrick B. Hallock  
President  
W. E. Field  
Wesley C. Bell  
George H. Grover  
William H. Bennett  
Commissioners