

ORIGINAL

Decision No. 69598

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-)
riers 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 Modification
No. 388)
(Filed July 20, 1965)

OPINION AND ORDER

By Decision No. 67772 dated August 25, 1964, 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 and from Hayfork (Trinity County) to the carrier's terminal on U. S. Highway 99 eight miles south of the aforesaid intersection. This rate is lower than the established minimum rate and is published to expire with September 26, 1965.

By this petition, authority is sought to continue to publish the 16½-cent rate currently authorized for an additional one-year period. Authority is also sought to reduce the minimum weight requirement from 53,000 to 50,000 pounds per shipment.

Petitioner alleges that the favorable transportation characteristics which are of record in prior proceedings continue to exist. These favorable factors include a substantial volume and

consistency of traffic, mechanical loading and unloading of shipments and improved highway conditions.

Petitioner declares that, although its equipment is capable of transporting loads weighing 53,000 pounds of certain types of lumber, under normal conditions approximately 51,000 pounds is the amount actually loaded. The lesser weight, petitioner asserts, was developed from an analysis made of its actual operating experience over a one-year period as set forth in Exhibit 1 attached to the petition. The exhibit indicates that petitioner performs a total of 1,280 trips annually under this authority and that the weight of lumber transported on each trip averages 51,099 pounds. Reduction of the minimum weight requirement to 50,000 pounds, petitioner states, will also relieve the shipper of having to prepare the required master bill of lading on multiple loads transported as one shipment when petitioner is unable to transport the required 53,000 pounds of lumber on one load.

Petitioner avers that the transportation involved under this authority continues to prove profitable. Unless it is permitted to continue to offer the shipper the benefit of the proposed rate, petitioner states that it is threatened with the loss of this traffic to proprietary operations.

Revenue and expense data submitted by petitioner indicate that the transportation involved has been profitable and reasonably may be expected to be profitable for the ensuing year.

The certificate of service shows that a copy of the petition was mailed to California Trucking Association and other interested parties on July 16, 1965. The petition was listed on the Commission's Daily Calendar of July 21, 1965. 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 should 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, 1966, a rate of $16\frac{1}{2}$ cents per 100 pounds, minimum weight 50,000 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 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 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 September 16, 1965.

Dated at San Francisco, California, this 24th day of August, 1965.

Fredrick B. Holbeck
President
John S. Kitchin
George T. Crower
Augustus
William C. Benson
Commissioners