

ORIGINAL

Decision No. 69623

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 relating to the)	Case No. 5432
transportation of any and all com-)	Petition for Modification No.
modities between and within all)	389
points and places in the State of)	(Filed July 22, 1965)
California (including, but not)	
limited to, transportation for)	
which rates are provided in)	
Minimum Rate Tariff No. 2).)	

INTERIM OPINION AND ORDER

Winans Bros. Trucking Co., a corporation, hereinafter called petitioner, is authorized to operate as a highway common carrier for the transportation of lumber and forest products between various points in California.¹ By this petition, it seeks authority to publish a rate lower than the applicable minimum rate prescribed in Item No. 690 series of Minimum Rate Tariff No. 2 for the movement of lumber from Hoopa to Gervan Spur.² The applicable minimum rate named in Minimum Rate Tariff No. 2 for this movement is 33 cents per 100 pounds minimum weight 44,000 pounds, based on a distance of 142 constructive miles. Petitioner now proposes to publish a rate of 24 cents per 100 pounds, minimum weight 48,000 pounds, for this transportation.³

1
Petitioner is also authorized to operate as a cement carrier, radial highway common carrier, highway contract carrier and petroleum contract carrier under other operating authorities issued by this Commission.

2
Gervan Spur is located adjacent to U.S. Highway 99, eight miles south of the intersection of Market and Yuba Streets in Redding.

3
Petitioner is a participating carrier in California Motor Tariff Bureau Local Freight Tariff No. 2, Cal.P.U.C. No. 5 of A. H. Glickman, Agent.

In justification for the authority sought, petitioner alleges that Stange Lumber Co. purchased the lumber production of the Van Fleet Lumber Co. mill at Hoopa on or about July 16, 1965, and is commencing the distribution of lumber from said mill to the Gervan Spur for subsequent movement by rail or truck to the ultimate consignees. Stange Lumber Co., which is located on the aforesaid rail spur, has requested petitioner to obtain authority from this Commission to publish the proposed rate in consideration for which petitioner will be tendered this traffic consisting of an average of 10 loads of lumber per day for 11½ months a year. Petitioner's terminal is also located at the Gervan Spur so that the movement proposed herein will terminate at a point adjacent to its truck terminal.

Petitioner asserts that it is engaged principally in the transportation of lumber and forest products and has need for the additional volume of traffic which will be offered it if this authority is granted. It further asserts that transportation conditions are favorable. Power loading and unloading of shipments are provided without cost to petitioner. In addition, excellent highways extend from the point of origin to the point of destination.

Attached to the petition is an exhibit showing anticipated revenue and operating expenses which attest to the compensatory nature of the proposed service. The exhibit indicates that the proposed rate will produce a revenue of \$115.20 per load of 48,000 pounds. Based on estimated total expenses of \$102.50 per trip, petitioner will realize a net revenue of \$12.70 per trip and an operating ratio of 89 percent.

Petitioner asserts that, unless the temporary authority requested herein is granted, it is threatened with the loss of this desirable traffic to proprietary means of transportation. Petitioner states that it will not be able to retain this traffic for the period

of time necessary until a hearing can be held and a decision rendered on this petition. Accordingly, petitioner requests that the Commission issue an ex parte order at the earliest possible time granting it temporary authority to publish the proposed rate, on five days' notice, until such time as the Commission can schedule a hearing on this petition.

The certificate of service shows that a copy of the petition was served on California Trucking Association on or about July 21, 1965. The petition was listed on the Commission's Daily Calendar of July 23, 1965. No objection to the granting of the petition on an interim basis has been received provided that a future hearing thereon is scheduled.

Subject to further review upon consideration of additional evidence which may be adduced at a public hearing to be scheduled in this proceeding, it appears, and the Commission finds, that the proposed rate is reasonable and justified by transportation conditions. In view of the possibility of proprietary transportation involved and applicant's urgent request for relief herein, petitioner will be granted interim authority for a period of six months, unless sooner canceled, changed or extended by order of the Commission. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Winans Bros. Trucking Co. is hereby authorized to publish and file a rate of 24 cents per 100 pounds, minimum weight 48,000 pounds, for the transportation of lumber from Hoopa to Gervan Spur. The rate authorized herein shall be published to expire six months after the effective date of this order.

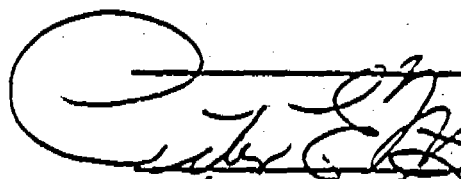
2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and to the public.

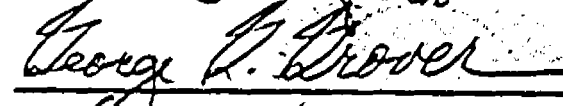
3. Winans Bros. Trucking Co. is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein. Schedules containing the rate published under this authority shall make reference to this order.

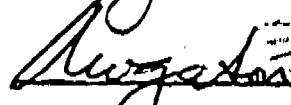
4. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this petition and final disposition thereof.

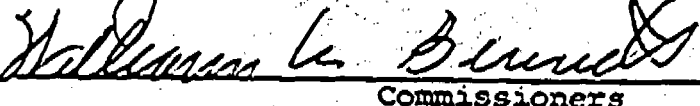
This order shall become effective on the date hereof.

Dated at San Francisco, California, this 31st day of August, 1965.



President






Commissioners