

**ORIGINAL**

Decision No. 71301

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. 430)  
(Filed August 4, 1966)

OPINION AND ORDER

By Decision No. 69598 dated August 24, 1965, 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 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. This rate is lower than the established minimum rate and is published to expire with September 26, 1966. By this petition, authority is sought to continue to publish the 16½-cent rate currently authorized for an additional one-year period.

Petitioner alleges that its experience during the past year has shown that the sought rate is compensatory and satisfies a need of the shipping public. Petitioner avers that the volume and frequency of these shipments have continued to be substantial and support the conclusion that the amount of the rate is directly in

line with the nature of the service provided. Petitioner states that it is threatened with the loss of this traffic to proprietary operations unless it is permitted to continue to offer the shipper the benefit of the proposed rate.

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 August 3, 1966. The petition was listed on the Commission's Daily Calendar of August 5, 1966. 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 Commission concludes that the petition should be granted. In view of the impending expiration date of the current authority, the order which follows will be made effective September 24, 1966.

IT IS ORDERED that:

1. Winans Bros. Trucking Co., a corporation, is hereby authorized to publish and file, to expire with September 26, 1967, a rate of 16½ 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 two days after the effective date of this order on not less than two 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 24, 1966.

Dated at Los Angeles, California, this 20<sup>th</sup> day of September, 1966.

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President  
*George J. Hoover*

Frederick S. Holodoff

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*William H. Beard*

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*Augustor*  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.