

**ORIGINAL**

**71520**

Decision No. \_\_\_\_\_

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. 434)  
(Filed September 27, 1966)

OPINION AND ORDER

By Decision No. 69902 dated November 2, 1965, in Case No. 5432 (Petition for Modification No. 396), 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 currently authorized rate is lower than the established minimum rate and is published to expire with December 11, 1966. Petitioner now seeks authority to continue to publish the same rate beyond that date.

The above rate 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.

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

A copy of the verified petition was mailed to California Trucking Association on September 27, 1966. The petition was listed on the Commission's Daily Calendar of September 28, 1966. 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. We conclude that the petition should be granted. However, as the conditions surrounding the transportation may change, the authority will be granted for a period of 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, 1967, 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.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of November, 1966.

*John E. Mitchell* President  
*George G. Grover*  
*Fredrick B. Hallock*  
*Augusta*  
*William W. Bennett* Commissioners