

Decision No. 71522

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MILTON W. ZAMBONI, MARY L. LIGHTFOOT,)
and JACK E. SHAVER, copartners, doing)
business as ZLS TRUCKING, and of)
McCLOUD RIVER TRUCKING COMPANY, a)
corporation, (a) for authority for)
Milton W. Zamboni, Mary L. Lightfoot,)
and Jack E. Shaver, copartners, doing)
business as ZLS TRUCKING, to sell)
highway common carrier certificates)
of public convenience and necessity)
to McCLOUD RIVER TRUCKING COMPANY;)
(b) for authority for McCLOUD RIVER)
TRUCKING COMPANY to operate as a)
highway common carrier under the)
certificates of public convenience)
and necessity to be transferred.)

Application No. 46258

SUPPLEMENTAL OPINION AND ORDER

McCloud River Trucking Company, a corporation, possesses a certificate of public convenience and necessity authorizing it to operate as a highway common carrier for the transportation of lumber and forest products in the Redding and Red Bluff areas.

McCloud River Trucking Company has informed the Commission that it is a wholly owned subsidiary of McCloud River Railroad Company, a corporation, which in turn is controlled by United States Plywood Corporation through ownership of 98 percent of the railroad's capital stock. Through purchase of stock, McCloud River Trucking Company owns Barbero Truck Lines, a corporation, and N.T.S. Inc., doing business as Norcal Transport Service.

In issuing certificates where it appears that there is an affiliation between carrier and shipper by reason of common ownership, management or control, it is the Commission policy to specify that not less than the applicable tariff rates shall be paid by such carrier to

subhaulers engaged to carry property of the affiliated company or property of the affiliated company's customers or suppliers.

In the circumstances, it appears, and the Commission finds, that the McCloud River Trucking Company certificate should be restricted with respect to the carrier-shipper affiliation involved in the manner hereinbefore mentioned. The Commission concludes that the certificate should be amended accordingly.

IT IS ORDERED that:

1. Decision No. 67151, dated April 28, 1964, in Application No. 46258, is hereby amended by incorporating therein the following ordering paragraph:

"5. Whenever McCloud River Trucking Company engages other carriers for the transportation of property of McCloud River Railroad Company or United States Plywood Corporation or Barbero Truck Lines or N.T.S. Inc., doing business as Norcal Transport Service, or customers or suppliers of said companies or corporations, McCloud River Trucking Company shall not pay such other carriers rates and charges less than the applicable rates and charges published in McCloud River Trucking Company's tariffs on file with the Commission."

2. In all other respects, Decision No. 67151 shall remain in full force and effect.

The Secretary is directed to cause service of a certified copy of this order to be made upon McCloud River Trucking Company or to mail a certified copy thereof to it at its last known address as shown in the Commission's records.

The effective date of this order shall be the thirtieth day after such service upon McCloud River Trucking Company or after the above mailing to it unless before such effective date there shall have

been filed with this Commission a written request for public hearing, in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this 9th day of November, 1966.

W. E. Mitchell
President
George H. Love
Frederick B. Holbeck
Augustin
William W. Bennett
Commissioners