

**ORIGINAL**

Decision No. 75026

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 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. 516)  
(Filed October 14, 1968)

OPINION AND ORDER

By Decision No. 73363 dated November 21, 1967, in Case No. 5432 (Petition for Modification No. 477), 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, 1968. By this petition, authority is sought to continue to maintain in petitioner's tariff the currently authorized rate and to increase the minimum weight to 50,000 pounds per unit of carrier's equipment.

According to petitioner, the proposed rate and minimum weight will produce revenues sufficient to defray the operating cost involved and provide a reasonable profit.

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 October 11, 1968. The petition was listed on the Commission's Daily Calendar of October 15, 1968. 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. The Commission concludes 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.

In view of the impending expiration date of the current authority, the order which follows will be made effective December 6, 1968.

IT IS ORDERED that:

1. Devine & Son Trucking Co., a corporation, is hereby authorized to publish and file, to expire with December 11, 1969, a rate of 6 cents per 100 pounds, minimum weight 50,000 pounds per unit of carrier's equipment, for the transportation of lumber from Elk Creek to Willows.

2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and 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 the public.

This order shall become effective December 6, 1968.

Dated at San Francisco, California, this 3<sup>rd</sup> day of December, 1968.

William Thomas J.  
President  
William L. Brown  
August  
John P. Monussey  
Commissioners

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