

Decision No. 75591**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Alto Bros. Trucking)
 for deviation from provisions of)
 Item 680, MRT NO. 2.)

Application No. 50991
 (Filed April 8, 1969)

O P I N I O N

Robert A. Alto and Cecil E. Alto, doing business as Alto Bros. Trucking, transport lumber and forest products as a highway permit carrier.

Minimum rates for the transportation of lumber and forest products are set forth in Minimum Rate Tariff No. 2. The rates set forth therein are stated in cents per 100 pounds, and are generally based upon the actual weight of the shipments transported. As an exception to the general provisions of the said tariff, Item No. 680 requires that provided weights, as set forth in that item, be used in lieu of actual gross weights for the transportation of seasoned or dried lumber and forest products when the distance from point of origin to point of destination does not exceed 50 constructive miles.

Applicants seek to apply actual gross weights rather than provided weights to the transportation of lumber and forest products transported locally for named lumber mills located in Arcata, Fortuna, Korbelt and Willits.^{1/} Applicants allege that the

1/ Said companies are:

Arcata Redwood Co., Arcata
 Crown Redwood Co., Fortuna
 James Redwood Co., Arcata
 Simpson Timber Co., Arcata and Korbelt
 Simpson Wholesale Co., Arcata
 Seaside Lumber Co., Willits

use of the provided weights in Item No. 680 of Minimum Rate Tariff No. 2 is unreasonable and improper when applied to the products of the mills for which they furnish transportation services; and that applicants have found that the use of actual weights, as supported by certified weighmaster's certificates, produces reasonable and proper charges for their services.

The application states that the involved shippers have been furnished copies of the application and that the application was served upon the California Trucking Association. The application also states that the involved shippers have authorized applicants to inform the Commission that they support the deviation requested in the application. By letter dated April 11, 1969, the California Trucking Association has advised the Commission that the proposed relief has been considered by that organization and that it has no objection to the ex parte consideration requested.

Provided weights on lumber and forest products are a departure from the general requirement that actual gross weights be used. Said provided weights were established as a convenience to shippers and carriers; in short haul deliveries actual weights for lumber traffic cannot ordinarily be obtained without interfering with shippers' service requirements and without incurring added costs to carriers (Decision No. 44893, dated October 10, 1950 in Case No. 4808).

In the circumstances, the Commission finds that the assessment of actual gross weights as evidenced by certified weighmaster's certificates will result in just and reasonable rates for the transportation of lumber and forest products for the shippers named in the application. A public hearing is not necessary. The application should be granted.

O R D E R

IT IS ORDERED that:

1. Robert A. Alto and Cecil E. Alto, doing business as Alto Bros. Trucking, are authorized to depart from the provisions of Item No. 680 of Minimum Rate Tariff No. 2 by assessing actual gross weights, as evidenced by certified weighmaster's certificates, for the transportation of lumber and forest products for the following named lumber companies, for distances of 50 constructive miles or less of the points shown below:

Arcata Redwood Co., Arcata
Crown Redwood Co., Fortuna
James Redwood Co., Arcata
Simpson Timber Co., Arcata
Simpson Timber Co., Korbelt
Simpson Wholesale Co., Arcata
Seaside Lumber Co., Willits

2. The authority granted above shall expire with September 30, 1970.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 22nd
day of APRIL, 1969.

President

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.