

ORIGINAL

Decision No. 75977

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. 548)
(Filed June 30, 1969)

INTERIM OPINION AND ORDER

Devine & Son Trucking Co. (Devine), a corporation, holds a certificate to operate as a highway common carrier for the transportation of lumber and forest products and certain other commodities between various points in California.

By this petition, Devine seeks emergency interim authority to publish, on five days' notice, a less-than-minimum rate of 11 cents per 100 pounds, minimum weight 50,000 pounds per unit of carrier's equipment, for the transportation of rough green lumber from Camptonville (Yuba County) to Foothill (Placer County).¹ The applicable minimum rate named in Minimum Rate Tariff No. 2 for this transportation is 19½ cents per 100 pounds, minimum weight 50,000 pounds per unit of carrier's equipment.

¹

Foothill is a railroad designated point 2½ miles north of Auburn on State Highway 49.

Petitioner states that loading and unloading services are performed on a 24-hour basis seven days a week by its drivers with forklifts, which are furnished and maintained by the shipper, Feather River Lumber Company. Petitioner avers that the sawmill will be operated five days a week on an average of 45 weeks per year and will produce an average of ten loads a day.

Petitioner declares that it is transporting this lumber under its current tariff rate but that such rate is excessive. Petitioner alleges that it is threatened with the loss of this desirable traffic as the shipper has stated that it will expand its present proprietary truck operations in the event that the sought relief is not granted.

Data submitted by petitioner indicate that the proposed rate will produce a revenue of \$57.20 on a load factor of 52,000 pounds. Based on estimated total expenses of \$52.43 per trip, petitioner would realize a net revenue of \$4.77 per trip and an operating ratio of 91.6.

The petition was listed on the Commission's Daily Calendar of July 1, 1969. No objection to the granting of the petition on an interim basis has been received.

Subject to further review upon consideration of additional evidence which may be adduced at a public hearing to be scheduled in this proceeding, it appears, and the Commission finds, that the proposed rate is reasonable and justified by transportation conditions. In view of the existing threat of proprietary transportation and petitioner's urgent need for the relief sought herein, the Commission concludes that petitioner should be granted interim authority to perform such transportation at the

proposed rate for a period of six months, unless sooner canceled, changed or extended by order of the Commission. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Devine & Son Trucking Company, a corporation, is hereby authorized to publish and file a rate of 11 cents per 100 pounds, minimum weight 50,000 pounds per unit of equipment for the transportation of rough green lumber from Camptonville to Foothill. The rate authorized herein shall be published to expire six months after the effective date of this order.

2. Tariff publications authorized to be made as a result of the order herein 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 to the public.

3. Devine & Son Trucking Company, a corporation, is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein. Schedules containing the rate published under this authority shall make reference to this order.

4. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this petition and final disposition thereof.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 29th day of July, 1969.

William J. Sproule, Jr.
President
August
W. R. Morsey
William J. Sproule, Jr.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioners