

Decision No. 76658

ORIGINAL

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

James J. Devine, for Devine & Son Trucking Co.,
 petitioner.

B. I. Shoda, for the Commission's staff.

SUPPLEMENTAL OPINION

By Decision No. 75977, dated July 29, 1969 in this proceeding, James J. Devine & Son Trucking Co., a highway common carrier, was 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 (Yuba County) to Foothill (Placer County). The minimum rate named in the Commission's Minimum Rate Tariff No. 2 for this transportation is 20 cents per 100 pounds, minimum weight 50,000 pounds per unit of carrier's equipment. The aforesaid decision further provided that the rate authorized therein should be published to expire six months after the effective date of the decision.^{1/}

^{1/} The effective date of the decision was the date of its issuance, July 29, 1969. Accordingly, the expiration date of the authorization is January 29, 1970.

Decision No. 75977 reads, in part, as follows:

"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."

Public hearing was held before Examiner Bishop at San Francisco on November 25, 1969. Evidence was presented by applicant through its president and the president of Feather River Lumber Company, the shipper involved in the transportation for which the rate in question was established. An associate transportation rate expert from the Commission's staff assisted in the development of the record.

The circumstances surrounding the subject transportation have been described in Decision No. 75977. The unusually efficient manner in which said transportation is performed was related in greater detail in the testimony of applicant's president. This witness also explained the procedures by which the factors set forth in the transportation cost development (Exhibit A, attached to the application) were determined. That testimony was adequate to establish the validity of the cost figure of \$52.43 per trip, reflecting an operating ratio of 91.6 percent based on an average weight of 52,000 pounds per load as set forth in said exhibit.^{2/}

^{2/} This witness testified that a test of 200 shipments disclosed an average weight of 52,740 pounds.

The president of Feather River Lumber Company testified that if the interim authorization were not extended beyond the present expiration date of January 29, 1970 his company would give serious consideration to performing the transportation of lumber from Camptonville to Foothill with its own equipment. He further indicated that a minimum weight of 52,000 pounds would not be satisfactory, as some flexibility is necessary because of the variation experienced in the weight of the lumber per board foot.

We find, after hearing, that the sought rate, currently authorized and in effect on an interim basis, will be reasonable and justified by transportation conditions for transportation to be performed after the present expiration date.

We conclude that the application should be granted to the extent provided in the order which follows. Since the conditions under which service is performed may change at any time, the authority will be made to expire at the end of one year, unless sooner canceled, changed or extended by order of the Commission.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. Devine & Son Trucking Company, a corporation, is authorized to extend the expiration date of the presently published and filed 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 (Yuba County) to Foothill (Placer County) for a period of one year from said expiration date.

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.

The effective date of this order shall be January 23, 1970.

Dated at San Francisco, California, this 13th day of JANUARY, 1970.

William J. Moran
President

John P. Devine

Vernon L. Stinson
Commissioners

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