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ORIGINAL

Decision No. 77251

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
AMERICAN TRANSFER CO., a Corporation,  
under Section 3666 of the Public  
Utilities Code of the State of  
California, for Authority to Charge  
Rates Less than Those Prescribed in  
Minimum Rate Tariff No. 2 for the  
Transportation of Lumber from  
Dinkey Creek to Fresno, California,  
for the Account of GENERAL BOX  
DISTRIBUTORS.

Application No. 51836  
(Filed April 20, 1970)

OPINION AND ORDER

By Decision No. 75383, dated March 4, 1969, American Transfer Co. was granted authority to transport fresh-cut rough lumber for General Box Distributors from Dinkey Creek to Fresno at a rate less than the established minimum rates set forth in Minimum Rate Tariff No. 2. This authority expired December 31, 1969. The transportation is seasonal, the logging season starting in April. By this application authority is sought for the 1970 season at the same rate as last year. Applicant was authorized to assess a rate of \$8.50 per 1,000 board feet, minimum 10,000 board feet per unit of equipment.

Applicant states that it has experienced considerable difficulty in observing the established minimum lumber rates in Minimum Rate Tariff No. 2 in connection with shipments from Dinkey Creek to Fresno. The transportation involved herein from Dinkey Creek will allegedly be on a 24-hour basis, six days a week. Applicant states that there are no truck scales on route of movement. The carrier also states that there are no off route truck scales available day or night without traversing an excessive amount of out-of-line haul mileage.

Applicant contends that the use of average weights as a basis for charges is not feasible, because the actual weight per 1,000 board feet of fresh-cut lumber varies substantially, from approximately 2,000 pounds to 4,000 pounds per 1,000 board feet. The carrier explains that the provided weights in Item 630 of Minimum Rate Tariff No. 2 do not apply to the type and grade of lumber it transports from Dinkey Creek. Applicant avers that the use of rates expressed in terms of "cents per 1,000 board feet" in lieu of "cents per 100 pounds," which is the basis used for expressing the minimum lumber rates, is not only necessary because of the lack of truck scale facilities in this particular instance, but also because such units of measurement are in common usage within the lumber industry.

Attached to the application are statements of revenues and expenses. These statements show that this transportation has been performed at a profit, and can be expected to be performed at a profit during the coming season.

The certificate of service shows that a copy of the application was served on the California Trucking Association on April 17, 1970. The application was also listed on the Commission's Daily Calendar of April 21, 1970. No objections have been received to the granting of the sought relief.

The Commission finds that the proposed rate is reasonable. We conclude that the application should be granted without a public hearing, the authority to expire with December 31, 1970. As the logging season has started, the order here will be made effective on the date hereof.

IT IS ORDERED that:

1. American Transfer Co., a corporation, is authorized to transport fresh-cut rough lumber for General Box Distributors from Dinkey Creek to Fresno at a rate less than the minimum rates set forth in Minimum Rate Tariff No. 2, but in no event lower in volume or effect than the rate set forth in Appendix A, attached hereto and by this reference made a part hereof.

2. The authority granted herein shall expire December 31, 1970 unless sooner canceled, modified or extended by order of the Commission.

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

Dated at San Francisco, California, this 22nd day of MAY, 1970.

William Symons, Jr.  
President  
A. W. GATOV  
J. P. VUKASIN, JR.  
Vernon L. Sturgeon  
Commissioners

WILLIAM SYMONS, JR.  
President  
A. W. GATOV  
J. P. VUKASIN, JR.  
VERNON L. STURGEON  
Commissioners

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

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APPENDIX A

APPLICATION OF RATES

Carrier: American Transfer Co.  
Shipper: General Box Distributors  
Commodity: Fresh-cut rough lumber  
From: Dinkey Creek  
To: Fresno  
Rate: \$8.50 per 1,000 board feet  
Minimum Quantity: 10,000 board feet per unit of carrier's equipment used.

Application of Rates - General: Except as otherwise provided herein, the rates and rules of Minimum Rate Tariff No. 2 shall apply.

(End of Appendix A)