

ORIGINAL

Decision No. 77871

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 commodi-)
ties between and within all points and)
places in the State of California)
(including, but not limited to, trans-)
portation for which rates are provided)
in Minimum Rate Tariff No. 2).)

Case No. 5432
(Petition for Modification
No. 559)

In The Matter of The Application of)
MITCHELL BROS. TRUCK LINES for author-)
ity to publish a rate less than the)
minimum rates set forth in Minimum)
Rate Tariff No. 2.)

Application No. 51434

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 76348 dated October 28, 1969, in the above proceedings, Mitchell Bros. Truck Lines, a corporation (hereinafter called petitioner), was authorized (1) to publish a less-than-minimum rate of 15 cents per 100 pounds, minimum weight 50,000 pounds, for the transportation of lumber, timbers and railroad ties from Crescent City to Arcata as a highway common carrier and (2) to transport boards or sheets (particleboard), plywood and veneering, as a highway contract carrier, for Hambro Forest Products, Inc., and Simpson Wholesale Company from Crescent City to Arcata at a less-than-minimum rate of 15 cents per 100 pounds, minimum weight 50,000 pounds. The published rate and authority are scheduled to expire with November 1, 1970.

By application under the Special Deviation Docket, petitioner seeks an extension of the current authority for a further

one-year period and to modify the authority by increasing the aforementioned rates to 16 cents.

Inasmuch as the Special Deviation Docket procedure does not apply to highway common carrier requests for extensions or renewals of authorities to publish less-than-minimum rates, the sought authority will be disposed of in the instant proceedings.

In order that the current authority will not lapse pending the filing of a joint petition and application in this matter in accordance with the Commission's Rules of Procedure, said authority will be modified as requested and extended for a period of six months to allow petitioner sufficient time to make such filing.

IT IS ORDERED that:

1. Mitchell Bros. Truck Lines, a corporation, is hereby authorized, as a highway common carrier, to publish and file, to expire with April 30, 1971, a rate of 16 cents per 100 pounds, minimum weight 50,000 pounds, for the transportation of lumber, timbers and railroad ties from Crescent City to Arcata.

2. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than one day after the effective date of this order on not less than one day's notice to the Commission and to the public.

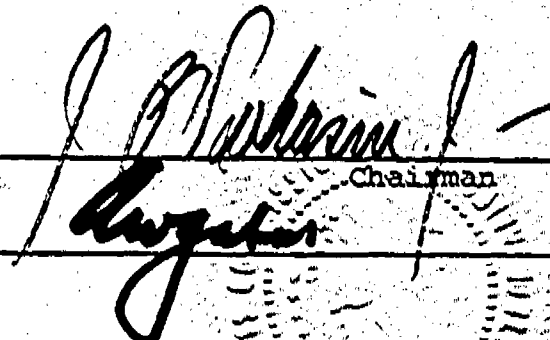
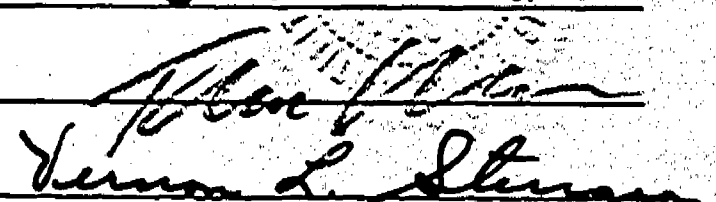
3. Mitchell Bros. Truck Lines, a corporation, is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein. Schedules containing the rate published under this authority shall make reference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

4. Mitchell Bros. Truck Lines, a corporation, is hereby authorized, as a highway contract carrier, to transport boards or sheets (particleboard), plywood and veneering for Hambro Forest Products, Inc., and Simpson Wholesale Company from Crescent City to Arcata at a rate less than the applicable minimum rate but not less than 16 cents per 100 pounds, minimum weight 50,000 pounds.

5. The authority granted in ordering paragraph 4 above shall, on and after November 1, 1970, supersede the authority granted by Decision No. 76348 and shall expire with April 30, 1971.

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

Dated at San Francisco, California, this 27th day of October, 1970.


Chairman

Commissioners

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