

ORIGINAL

Decision No. 78200

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. 617)
(Filed December 9, 1970)

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 Decision No. 76658, dated January 13, 1970, in Case No. 5432 (Petition for Modification No. 548), Devine was authorized to publish 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 currently authorized rate is lower than the established minimum rate and is published to expire January 29, 1971.

By this petition, Devine seeks an extension of the current authority and an increase in the authorized rate to 11-3/4 cents per 100 pounds. Petitioner also requests that the authority be modified to include publication of a rate of 10-3/4 cents per 100 pounds, minimum weight 50,000 pounds per unit of equipment, for the transportation of rough green lumber from Mosquito (El Dorado County) to Foothill.

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 by the shippers. Petitioner avers that said forklifts are equipped with hydraulic scales which enable the driver to load maximum loads within a minimum length of time. Petitioner declares that the sawmills at Camptonville and Mosquito operate on an average of forty weeks per year, five days per week, averaging ten loads per day from Camptonville and five loads per day from Mosquito.

Petitioner contends that it is transporting lumber from Mosquito to Foothill under its current tariff rate but that such rate is excessive. Petitioner alleges that the shipper has stated that it will expand its present proprietary truck operations in the event that the sought relief is not granted.

Revenue and expense data submitted by petitioner indicate that the transportation of lumber from Camptonville to Foothill has been profitable and the transportation of lumber from Camptonville and Mosquito to Foothill reasonably may be expected to be profitable during the ensuing year.

A copy of the verified petition was mailed to California Trucking Association on December 4, 1970. The petition was listed on the Commission's Daily Calendar of December 10, 1970. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable and justified by transportation conditions. A public hearing is not necessary. The Commission concludes that the petition should be granted. However, as the conditions surrounding the transportation may change, the authority will be granted for a period of one year.

In view of the impending expiration date of the current authority and the time required for tariff notification, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. Devine & Son Trucking Co., a corporation, is hereby authorized to publish and file, to expire with January 29, 1972, rates of 11-3/4 cents and 10-3/4 cents per 100 pounds, minimum weight 50,000 pounds per unit of equipment, for the transportation of rough green lumber to Foothill from Camptonville and Mosquito, respectively.
2. Tariff publications authorized to be made as a result of the order herein may be made effective on one day's notice to the Commission and to the public.
3. Devine & Son Trucking Co., 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 rates published under this authority shall make reference to this order.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 19th day of January, 1971.

Chairman

William S. Sweeney, Jr.
Thomas J. Sweeney
Thomas L. Sweeney

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.