

Decision No. 83482**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application  
of DEVINE & SON TRUCKING CO. a  
corporation, for modification of  
its highway common carrier certi-  
ficate of public convenience and  
necessity by excluding certain  
commodities, for one year.

Application No. 54990  
(Filed June 24, 1974;  
amended July 1, August 7,  
and August 12, 1974)

O P I N I O N

Devine & Son Trucking Co., a corporation, is authorized to operate as a highway common carrier for the transportation of general commodities, with certain specified exemptions, between points in northern California. This certificated authority was granted by Decision No. 59847 dated March 20, 1960, as amended by Decision No. 74822 dated October 15, 1968, and Decision No. 75353 dated February 25, 1969. Applicant requests that its certificate be made subject to the following exception:

13. Commodities named in National Motor Freight Classification 100-A issued December 28, 1973 and effective March 29, 1974, viz.:
  - a. Asphalt Group, Item No. 15200 through 15440.
  - b. Roofing Materials Group, Item No. 170000 through 170590.
  - c. Wallboard Group, Item No. 193640 through 193962.
  - d. Boards or Sheets, Item No. 112320.

Applicant states that it has been requested by a shipper in Sacramento to perform a substantial transportation service as a permitted carrier. The transportation is now being performed by the shipper with lease equipment. If the sought exception to applicant's certificate is authorized the shipper will divert its proprietary traffic to the for-hire permitted operations of applicant. Since the volume of traffic involved is substantial and important to applicant's for-hire operations, it is requested that the sought modification to the certificate of Devine & Son Trucking Co. be authorized by ex parte order.<sup>1/</sup>

A copy of the application was served upon the California Trucking Association which, in turn, has advised the Commission that it has no objection to applicant's sought ex parte relief. Application No. 54990 was also listed on the Commission's Daily Calendar for June 20, 1974. No protests or requests for public hearing have been received.

The Commission finds that public convenience and necessity no longer require applicant's services as a highway common carrier for the performance of the transportation service involved. It is concluded that Application No. 54990, as amended, should be granted. A public hearing is not necessary.

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<sup>1/</sup> By Application No. 54991 filed June 24, 1974 Devine & Son Trucking Co. seeks concurrent authority to deviate from the governing provisions of Minimum Rate Tariff 2 when transporting asphalt, roofing materials, and wallboard for the Ford Wholesale Co., Inc.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 59847, as amended, is hereby further amended by substituting Third Revised Page 10, attached hereto and by reference made a part hereof, in lieu of Second Revised Page 10.

2. Within sixty days after the effective date hereof and on not less than ten days' notice to the Commission and to the public, applicant shall amend its tariffs presently on file with the Commission to reflect the authority herein granted.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2<sup>nd</sup>  
day of SEPTEMBER, 1974.

Vernon L. Sturgeon  
President  
William J. Symons, Jr.  
P. M. Morris, Jr.  
Commissioners

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

7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
  8. Logs, lumber and forest products.
  9. Fresh or green fruits and fresh or green vegetables having origin in fields of growth and consigned to cold storage, canneries, packing sheds, packing houses, or other processing facilities, or consigned to reshipping points.
  10. Cans, iron or steel, tin plated or not tin plated, with or without ends.
  11. Cotton and cotton linters.
  12. Commodities which because of length, height, width, or weight ordinarily require the use of specialized equipment or service, or the issuance of special highway permits by the State of California.
  13. Commodities named in National Motor Freight Classification 100-A issued December 28, 1973 and effective March 29, 1974, viz.:
    - a. Asphalt Group, Items No. 15200 through 15440.
    - b. Roofing and Materials Group, Item No. 170000 through 170590.
    - c. Wallboard Group, Item No. 193640 through 193962.
    - d. Boards or Sheets, Item No. 112320.
- D. Devine & Son Trucking Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport lumber and forest products (except wood chips and logs):

Between all points and places on the following described highways:

- (1) U.S. Highway 101 between the California-Oregon State Line and Santa Barbara, inclusive;
- (2) U.S. Highway 99, 99E and 99W between the California-Oregon State Line and the intersection of said highways with State Highway 138 near Gorman, inclusive;

Issued by California Public Utilities Commission.

Amended by Decision No. 83482, Application No. 54990.