

Decision No. 84564

**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. 850  
(Filed April 11, 1975)

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

Application No. 55619  
(Filed April 11, 1975)

O P I N I O N

By Decision No. 82885 dated May 21, 1974 in Application No. 54781 and Case No. 5432, Petition for Modification No. 797, Mitchell Bros. Truck Lines (petitioner), a corporation, was authorized (1) to publish a less-than-minimum rate of 17 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 (particle board), a 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 17 cents per 100 pounds, minimum weight 50,000 pounds. The published rate and authority are scheduled to expire with June 2, 1975.

Petitioner now requests authority to publish and file the above common carrier rate for an additional one-year period on less-than-statutory notice and to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code in connection with such publication. Petitioner also requests authority to assess the same less-than-minimum rate for the aforementioned highway contract carrier operations for another one-year period.

The Commission's Transportation Division has reviewed the petition and has recommended that, in the absence of protest or request for public hearing, it be granted by ex parte order.

The petition and application were listed on the Commission's Daily Calendar of April 15, 1975. No objection to the granting of the petition and application has been received.

In the circumstances 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 and application should be granted to the extent indicated in the ensuing order.

In view of the expiration date of the current authorities, the order which follows will be made effective on the date hereof.

O R D E R

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 June 17, 1976, a rate of 17 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 (particle board), a 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 17 cents per 100 pounds, minimum weight 50,000 pounds.

5. The authority granted in Ordering Paragraph 4 shall expire with June 17, 1976.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of JUNE, 1975.

Vernon L. Sturgeon  
President  
William Lyman  
Edward Ross  
James S. [unclear]  
Commissioners