

Decision No. 85863**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
 tion for the purpose of consid- )  
 ering and determining minimum )  
 rates for transportation of any )  
 and all commodities statewide )  
 including, but not limited to )  
 those rates which are provided )  
 in Minimum Rate Tariff 2 and the )  
 revisions or reissues thereof. )

Case No. 5432  
 Petition for Modification  
 No. 887  
 (Filed April 12, 1976)

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. 56400  
 (Filed April 13, 1976)

OPINION AND ORDER

By Decision 84564 dated June 17, 1975 in Application 55619 and Case 5432, Petition for Modification 850, Mitchell Bros. Truck Lines, 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), 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 June 17, 1976.<sup>1</sup>

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<sup>1</sup>The minimum rates based on a minimum weight of 50,000 pounds are 30.4 cents per hundred pounds for lumber, timbers and railroad ties, and 33 cents per hundred pounds for boards or sheets.

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 461.5 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 petition and application are based on special circumstances and conditions detailed therein.

The petition and application were listed on the Commission's Daily Calendar of April 13, 1976. 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.

IT IS ORDERED that:

1. Mitchell Bros. Truck Lines, a corporation, is hereby authorized, as a highway common carrier, to publish and file 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 461.5 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), 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 weight but not less than 17 cents per 100 pounds, minimum weight 50,000 pounds.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of May, 1976.

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President  
*William J. Lyons*  
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*Leonard L. Stenger*  
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*Robert B. Baker*  
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.