

**ORIGINAL**

Decision No. 63862

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CHARLES R. COYNER, doing business as )  
COYNER TRUCKING CO., for authority to )  
depart from the rates, rules and )  
regulations of Minimum Rate Tariff )  
No. 2, under the provisions of the )  
Highway Carriers Act, on transporta- )  
tion for BERT MC DOWELL CO. )

Application No. 44405  
(Filed May 3, 1962)  
(Amended June 4, 1962)

OPINION AND ORDER

Charles R. Coyner, doing business as Coyner Trucking Co., is a highway contract carrier. By Decision No. 63030 dated January 9, 1962, he was authorized to transport property for Bert McDowell Co. from Sacramento to points within 130 miles of Sacramento at specific rates which equal 81 percent of the established minimum rates. This deviation authority is based on the condition that all property to be transported must be loaded by the shipper. The authority is scheduled to expire July 1, 1962.

By this application, as amended, applicant seeks authority to continue to charge less than the minimum rates until December 31, 1962.

The application avers that the expiration date of the current authority was based on the probability of a teamster labor wage increase to become effective prior to July 1, 1962. Applicant alleges that it is now informed and believes that if teamster labor costs materialize they will not adversely affect the services performed for Bert McDowell Co. inasmuch as the present labor costs affecting this transportation will continue fixed to the end of 1962. Applicant further states that there has been no change in circumstances or conditions since the granting of the current authority relating to the transportation services involved; that the shipper is satisfied with the present arrangement; and that the service has been performed at a profit for the past six months and believes it will continue to be performed at a profit.

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The verified application shows that a copy thereof was served on the California Trucking Associations, Inc., on or about May 1, 1962. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable for the transportation herein involved. A public hearing is not necessary. The application will be granted.

Good cause appearing,

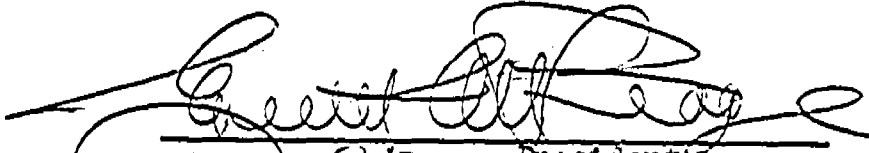
IT IS ORDERED that:

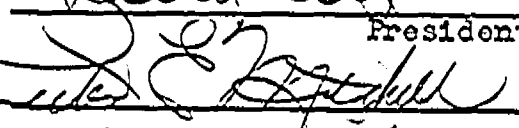
1. Charles R. Coyner is hereby authorized to transport property for Bert McDowell Co. from Sacramento at rates and charges no lower in volume or effect than rates and charges computed upon 81 percent of the minimum rates and charges in Minimum Rate Tariff No. 2 at the time of shipment and subject to all of the conditions set forth in Appendix A attached hereto and by this reference made a part hereof.

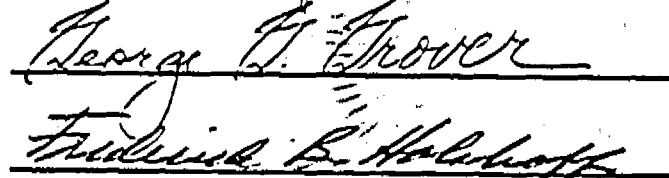
2. The authority herein granted shall, on and after July 1, 1962, supersede the authority granted by Decision No. 63030, and shall expire with December 31, 1962.

The effective date of this order shall be July 1, 1962.

Dated at San Francisco, California, this 26<sup>th</sup> day of June, 1962.

  
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President

  
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George T. Hoover

  
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Fredrick B. Halbach

\_\_\_\_\_  
Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 63862

CHARLES R. COYNER  
DOING BUSINESS AS COYNER TRUCKING CO.

Schedule of Minimum Rates for Transportation of  
Property for Bert McDowell Co.

Section 1

Item 10 - Application of Rates - General

To the extent that Minimum Rate Tariff No. 2 prescribes minimum rates for the transportation of property, said minimum rates, rules and regulations are applicable to all shipments except as specifically provided in Section 2.

Section 2

Item 20 - Application of Rates - Territorial

Rates computed under this section apply to the transportation of property from the premises of Bert McDowell Co., Sacramento, to points in Northern California located within 130 constructive miles of the intersection of Twelfth Street and L. Street, Sacramento, California

Item 30 - Application of Rates - Commodities

Rates computed under this section apply only to such articles regularly sold or offered for sale by Bert McDowell Co. in its retail or wholesale grocery establishments.

Item 40 - Application of Rates - Limitations and Conditions

Rates computed under this section are subject to the following conditions:

- (a) All property must be loaded into carrier's equipment by Bert McDowell Co. and tendered to the carrier with the vehicle sealed.

- (b) Shipping documents must bear the notation "Shipper Load and Count."
- (c) Carrier shall be absolved from liability and shall not accept liability for loss, damage, non-receipt or misdescription of goods, other than that where the collision or overturning of the vehicle or where negligence on the part of the carrier or his employees is the proximate cause thereof.

Item 50 - Shipping Documents

Carrier may accept from the shipper component parts of a shipment, including a split-delivery shipment, being progressively received, handled and loaded into carrier's equipment during one calendar day, prior to being furnished with manifest or written delivery instructions covering the entire shipment.

Item 100 - Rates

CLASS RATES

Minimum weight as provided in Western Classification, Exception Sheet or Minimum Rate Tariff No. 2 (Subject to Item No. 290 of MRT 2) but not less than 20,000 pounds		Minimum weight as provided in Western Classification, Exception Sheet or Minimum Rate Tariff No. 2 (Subject to Item No. 290 of MRT 2)				
Class Ratings						
2	4	90% of 4	5	B	C	D

The class rates and charges to be applied under the specified ratings only shall be computed upon 81 percent of the applicable minimum rates and charges contained in Minimum Rate Tariff No. 2 at time of shipment.

END OF APPENDIX A