

Decision No. 66630

ORIGINAL

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 an)
Extension of Authority to Depart)
from the Rates, Rules and Regula-)
tions of Minimum Rate Tariff No. 2,)
under the provisions of the Highway)
Carriers Act, on transportation for)
BERT MC DOWELL CO.)

Application No. 46049
(Filed December 19, 1963)

OPINION AND ORDER

Charles R. Coyner, doing business as Coyner Trucking Co., holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 65809 dated July 30, 1963, he was authorized to transport groceries and related commodities for Bert McDowell Co. from Sacramento to points within 130 miles of Sacramento at rates computed upon 81 percent of the applicable minimum truckload rates and charges contained in Minimum Rate Tariff No. 2 at time of shipment. This authority is based on the condition that all property to be transported must be loaded by the shipper. The authority is scheduled to expire with January 31, 1964. By this application, applicant seeks authority to continue the same rate deviation until January 31, 1965.

Applicant states that the expiration date of the current authority was limited to January 31, 1964, at his request, in anticipation of labor cost increases prior to that date. Applicant now alleges that the contemplated cost increases have not materialized and that the present labor costs of the shipper are fixed and will continue for at least one year.¹ He further alleges that there has been no change in circumstances or conditions relating

¹ The authorized departure in rates is based upon the cost of performing the loading work by Bert McDowell Co.

to the transportation services; that the services are being performed as described at the original hearing; that the authorized rates have been levied, assessed and collected and he will continue to do so in the same manner in the future as in the past; that the shipper is satisfied with the present arrangement and has continued to make available to applicant the same tonnage as in the past; and that the service has been performed at a profit for the past year and will continue to be performed at a profit. An income statement for the first five months of 1963, submitted with the application, indicated that applicant received a net income of \$40,885.47 for the period.

The verified application shows that a copy thereof was served upon the California Trucking Association on or about December 18, 1963. 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 involved. A public hearing is not necessary. The application will be granted.

In view of the expiration date of the current authority the order which follows will be made effective January 31, 1964.

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 less than the established minimum rates but not less than those specified in Appendix A attached hereto and by this reference made a part hereof.

2. The authority herein granted shall, on and after January 31, 1964, supersede the authority granted by Decision No. 65809 and shall expire with January 31, 1965.

The effective date of this order shall be January 31, 1964.

Dated at San Francisco, California, this 14th day of January, 1964.

William W. Bennett
President
John E. Mitchell
Walter W. Boye
George T. Grover
Frederick B. Hallock
Commissioners

66630

APPENDIX A TO DECISION NO. _____

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 the Governing Classification, Exception Ratings Tariff No. 1 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 the Governing Classification, Exception Ratings Tariff No. 1 or Minimum Rate Tariff No. 2 (subject to Item No. 290 of MRT 2)
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Class Ratings

2	4	90% of 4	5	B	C	D
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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.

COMMODITY RATES

Canned Goods and related products as described in Items Nos. 320, 338 and 345 of MRT 2				Grain, Rice, Grain Products and related products as described in Items Nos. 652 and 653 of MRT 2		
<u>Minimum Weight</u>				<u>Minimum Weight</u>		
30,000	36,000	42,000	45,000	20,000	30,000	40,000

The commodity rates for the above commodities 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