

**ORIGINAL**

Decision No. 68477

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)  
COYNER TRUCKING COMPANY, INC., a )  
corporation, for an Extension of )  
Authority to Depart from Minimum )  
Rate Tariff No. 2, under the pro- )  
visions of the Highway Carriers )  
Act, on transportation for )  
BERT McDOWELL CO. )

Application No. 47043  
(Filed October 15, 1964)  
(Amended December 1, 7,  
and 23, 1964)

OPINION AND ORDER

Coyner Trucking Company, Inc., a corporation, holds radial highway common carrier, highway contract carrier and city carrier permits.<sup>1</sup> By this application, as amended, it seeks authority to continue in effect without change until January 31, 1966, the same rate authority as that previously granted to its predecessor.

By Decision No. 66630 dated January 14, 1964, applicant's predecessor was authorized to transport groceries and related commodities for Bert McDowell Co. from Sacramento to delivery points located within 130 miles of Sacramento at rates computed upon the basis of 81 percent of the applicable minimum truckload rates and charges named in Minimum Rate Tariff No. 2 and in effect at time of shipment. That authority is based on the condition that all property to be transported must be loaded by the shipper, Bert McDowell Co. The current authority is scheduled to expire with January 31, 1965.

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<sup>1</sup> It was incorporated under the laws of the State of California on August 17, 1964. Copies of its Articles of Incorporation have heretofore been filed with the Commission with its application requesting a transfer of permits of its predecessor, Charles R. Coyner, doing business as Coyner Trucking Co.

Applicant alleges that there has been no change in the circumstances or conditions relating to the transportation services involved which are the same as those described at the hearing which resulted in the granting of the original rate authority.<sup>2</sup> Applicant further alleges that the authorized rates have been assessed and collected by its predecessor and that it will continue to do so in the same manner in the future as done in the past; that the shipper is satisfied with the present arrangement and has continued to make available to applicant the same volume of tonnage as tendered in the past.

Applicant states that no cost increases have materialized since the issuance of Decision No. 66630, supra, and that its costs for the services performed will not be disturbed because the permitted departure in rates is based upon savings in operating costs resulting from Bert McDowell Co., the shipper, performing the loading work. Applicant further states that the present labor costs of the shipper are fixed and should continue to be fixed for at least one more year. Applicant declares that it is not aware of any contemplated cost increase for the forthcoming year that will disturb the present existing tariff charges.

Attached to the application, in exhibit form, are financial and statistical data of the operations of applicant as well as its predecessor. The data indicate that the service has been performed at a profit for the past year and applicant anticipates that it will continue to be profitable during the ensuing year.

The verified application, as amended, shows that a copy thereof was served upon the California Trucking Association. No objection to its being granted has been received.

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<sup>2</sup>

See Decision No. 63030 dated January 9, 1962, in Application No. 43031 of Charles R. Coyner, an individual.

In the circumstances, it appears, and the Commission finds, that the proposed basis of rates is reasonable for the transportation involved. A public hearing is not necessary. The application, as amended, should be granted. In view of the impending expiration date of the current authority, the order which follows will be made effective January 31, 1965.

IT IS ORDERED that:

1. Coyner Trucking Company, Inc., a corporation, is hereby authorized to transport property for Bert McDowell Co. from Sacramento to points within 130 miles of 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, 1965, supersede the authority granted by Decision No. 66630 and shall expire with January 31, 1966.

This order shall become effective January 31, 1965.

Dated at San Francisco, California, this 12<sup>th</sup> day of January, 1965.

Frederick B. Hollhoff  
President  
George H. Trover  
Commissioners

APPENDIX A TO DECISION NO. 68477

COYNER TRUCKING COMPANY, INC.

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 MPT 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 MPT 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