

Decision No. 72947

**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 relat- )  
ing to the transportation of any )  
and all commodities between and )  
within all points and places in )  
the State of California (includ- )  
ing, but not limited to, trans- )  
portation for which rates are )  
provided in Minimum Rate )  
Tariff No. 2). )

Case No. 5432  
(Petition for Modification  
No. 467)  
(Filed July 27, 1967)

INTERIM OPINION AND ORDER

Boyd Trucking Co., a corporation (Boyd), operates as a highway common carrier.<sup>1</sup> By Decision No. 71193 dated August 23, 1966, in Application No. 48629, Boyd was authorized to assess a rate less than the established minimum rate but not less than 28 cents per 100 pounds, subject to a minimum weight of 90,000 pounds per shipment, for the transportation of lumber for Hudson Lumber Company from Anderson to San Leandro. The current authority is scheduled to expire with August 30, 1967. By this petition, authority is sought to continue the current deviation from the minimum rates and to publish this rate for an additional one-year period and to add, as points of origin, all points within the railhead limits of Anderson.

<sup>1</sup>

It also holds permits to operate as a radial highway common carrier and as a highway contract carrier which are not involved in this proceeding. By Decision No. 71455 dated October 25, 1966, in Application No. 48740, the Commission authorized Boyd to purchase certain certificated authorities owned by C. H. Miller, doing business as C. H. Miller Transportation, which included certain commodities and points involved in this petition.

By Decision No. 69532, in Application No. 47528, the rate in issue was found by the Commission to be reasonable upon the basis of evidence received at a public hearing on June 4, 1965. The evidence of record showed that three pieces of equipment, each consisting of a truck and trailer, are regularly assigned to this operation. Each truck and trailer carries a total of eight units of lumber weighing approximately 6,840 pounds per unit, making a truck and trailer load of over 50,000 pounds. Loading and unloading are expedited by the lumber company's employees with fork lift trucks equipped with 8-foot forks. The fork lifts are owned by the lumber company.

Evidence of record also showed that the trucks are operated on a continuous 24-hour basis, in excess of 225 days per year. They shuttle between Anderson and San Leandro, making two round trips in each 24-hour period. Two pieces of the equipment travel together. After unloading is accomplished at San Leandro, one truck and trailer is loaded onto the other for return to Anderson. A saving in running expenses is thereby effected.

Revenue and expense data submitted by petitioner indicate that the transportation involved has been profitable and reasonably may be expected to be profitable during the ensuing year.

The certificate of service shows that copies of the petition were mailed to California Trucking Association and California Farm Bureau Federation on July 26, 1967. The petition was listed on the Commission's Daily Calendar of July 28, 1967.

By letter dated August 2, 1967, California Trucking Association has advised the Commission that it is opposed to the ex parte consideration in this matter, and that this petition be set for public hearing.

Subject to further review upon consideration of evidence which may be adduced at a public hearing to be scheduled in this proceeding, it appears and the Commission finds that the proposed rate sought herein is reasonable and justified by transportation conditions, and in view thereof the Commission concludes that Boyd Trucking Co. should be granted interim authority for a period of six months. A future hearing will be scheduled in this proceeding.

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

IT IS ORDERED that:

1. Boyd Trucking Co., a corporation, is hereby authorized to publish and file, to expire with February 28, 1968, a rate of 28 cents per 100 pounds, minimum weight 90,000 pounds per shipment, for the transportation of lumber from Anderson (Shasta County), including all points within the railhead limits of Anderson, to San Leandro, and further subject to the following conditions:

- (a) The lumber shall be prepared for shipment by the consignor.
- (b) The lumber shall move in units consisting of approximately 6,340 pounds each and approximately 8 units shall be loaded on each truck. Two trucks, each hauling approximately 8 units, shall be loaded at the consignor's Anderson yard and shall move together to San Leandro where unloading shall be effected. On the return movement, one truck and trailer shall be loaded on the other. The operation shall be conducted on a continuous 24-hour basis and in excess of 225 days a year.

(c) Loading of the lumber at Anderson and unloading at San Leandro shall be performed by consignor and consignee, respectively, with fork lift trucks supplied by, and operated by employees of, consignor and consignee.

2. Tariff filings, including railhead limits for Anderson, shall be made effective not earlier than three days after the effective date of this order on not less than three days' notice to the Commission and to the public.

3. The authority granted herein shall expire six months after the effective date of this order.

4. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this petition and final disposition thereof.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup> day of August, 1967.

Estes E. Haskill  
President

William L. Bennett

Augusta

William Synovius

Fred P. Mansueti  
Commissioners