

**ORIGINAL**Decision No. 75286

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 into the rates, rules, regula- )  
 tions, charges, allowances and )  
 practices of all common carriers, )  
 highway carriers and city carriers )  
 relating to the transportation of )  
 any and all commodities between and )  
 within all points and places in the )  
 State of California (including, but )  
 not limited to, transportation for )  
 which rates are provided in Minimum )  
 Rate Tariff No. 2).

Case No. 5432  
 Petition for Modification  
 No. 525  
 (Filed January 6, 1969)

OPINION AND ORDER

Boyd Trucking Co., Inc., (Boyd) operates as a highway common carrier.<sup>1/</sup> By Decision No. 73736, dated February 14, 1968, in Case No. 5432, Boyd was granted temporary authority to publish and file a rate less than the established minimum rate but not less than 28 cents per 100 pounds, minimum weight 90,000 pounds per shipment, for the transportation of Incense Cedar Pencil Stock, from Anderson (Shasta County), including all points within the railhead limits of Anderson, to San Leandro. By this petition, authority is sought to continue the current deviation from the minimum rates and to publish the 28 cent rate for an additional one-year period.

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<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. Boyd then published the authorized rate in its tariff.

By Decision No. 69532, dated August 10, 1965, in Application No. 47528, Boyd was authorized, as a highway contract carrier, to assess the rate in issue for a one-year period.<sup>2/</sup> Said rate was found by the Commission to be reasonable upon the basis of evidence received at a public hearing on June 4, 1965. The evidence then showed that three pieces of equipment, each consisting of a truck and trailer, were regularly assigned to this operation. Each truck and trailer carried 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 were expedited by the lumber company's employees with fork lift trucks owned by the lumber company.

The evidence also showed that the trucks were 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.

By Decision No. 72947, dated August 22, 1967, Boyd was authorized, as a highway common carrier, to continue the prior minimum rate authority pending a public hearing. By Decision No. 73736 of February 14, 1968, the rate in issue was found by the Commission to be reasonable. The rate, as now published, is scheduled to expire February 28, 1969.

The petitioner states that the service performed under the existing rate authority has been profitable. In support of such assertion, current financial and related cost information pertaining to Boyd's results of operation was submitted in the form of exhibits attached to the petition. The exhibits indicate that for the five-month period ending May 31, 1968 and the four-month period ending

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<sup>2/</sup> Authority extended to August 30, 1967 by Decision No. 71193, dated August 23, 1966, in Application No. 48629.

September 30, 1968, the transportation here involved experienced operating ratios of 78.9 percent and 82.8 percent, respectively, with an overall operating experience of 80.5 percent for the nine-month period.<sup>3/</sup>

Petitioner alleges that the threat of proprietary operations, unless the sought relief is granted, still prevails. It is further contended that the revenues obtained from the services involved constitute a significant part of Boyd's gross revenues and are essential to petitioner's operations. No significant increases in operating costs are anticipated in the immediate future which would substantially affect the profitability of the transportation service.

The certificate of service shows that copies of the petition were mailed to the California Trucking Association and the California Farm Bureau Federation on January 6, 1969. The petition was listed on the Commission's Daily Calendar of January 8, 1969. No objection to petitioner's request for an ex parte order authorizing the sought relief has been received.

In the circumstances, the Commission finds that:

1. Petitioner's results of operations, under its existing minimum rate authority, have been profitable and the transportation service involved may reasonably be expected to continue to be profitable during the ensuing year.

2. The sought rate is reasonable and justified by transportation conditions.

We conclude that Boyd Trucking Co., Inc., should be granted authority to publish the proposed rate for a further one-year period.

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<sup>3/</sup> June 1, 1968 was the effective date of petitioner's last increase in wage costs, along with increases in related payroll taxes and workmen's compensation insurance rates.

A public hearing is not necessary. In view of the impending expiration date of the current authority, the order which follows will be made effective five days after the date hereof.

IT IS ORDERED that:

1. Boyd Trucking Co., Inc., a corporation, is hereby authorized to publish and file, to expire with February 28, 1970, a rate of 28 cents per 100 pounds, minimum weight 90,000 pounds per shipment, for the transportation of lumber, viz: Incense Cedar Pencil Stock, from Anderson (Shasta County), including all points within the rail-head 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 6,840 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. 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 publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and the public.

3. Boyd Trucking Co., Inc., in establishing and maintaining the rates authorized hereinabove, is hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code

so as to adjust long- and short-haul departures which are necessary under the authority granted herein; and schedules containing the rates published under this authority shall make reference to this order.

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

Dated at San Francisco, California, this 4<sup>th</sup> day of FEBRUARY, 1969.

William Symons, Jr.  
President

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Fred P. Monissey

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Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.