

ORIGINAL

Decision No. 75342

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of PHILIP D. DeGREGORY and)	
JOYCE L. DeGREGORY doing business)	
as JOYCO ENTERPRISES, for)	Application No. 50866
authority to deviate from MRT 2)	(Filed February 7, 1969)
in connection with contract)	
transportation to be performed)	
for STANDARD BRANDS PAINT CO.)	

INTERIM OPINION AND ORDER

Philip D. DeGregory and Joyce L. DeGregory, doing business as Joyco Enterprises, are authorized to operate as a radial highway common carrier and a highway contract carrier for the transportation of general commodities between points in California. By this application, emergency interim authority is sought to transport paint, paint materials and related articles for Standard Brands Paint Co. (Standard) from Standard's manufacturing plant at Torrance to Standard's retail stores at Hayward, San Jose and El Cerrito at a rate less than the Commission's established minimum rates but not less than 61 cents per 100¹ pounds, minimum weight 42,000 pounds.

Applicants state that they are a small, relatively new permitted carrier and operate one tractor and two forty-foot vans. Applicants aver that they have solicited for several months Standard's shipments from Torrance to points north of Fresno and a backhaul from Antioch. In anticipation of receiving essentially all of this traffic, applicants contend that they have purchased a 1968 tractor at considerable expense and resulting indebtedness

¹ The commodities are described in detail in Exhibit A attached to the application.

in order to acquire and retain this traffic.

Applicants declare that the sought rate, which would apply to various commodities regardless of their separate classification ratings, is similar to the rail trailer-on-flat-car rate that is being canceled on February 18, 1969, and no comparable rate for such transportation is now in effect.² Applicants allege that they have been applying the sought rate under the alternative application provisions of Minimum Rate Tariff No. 2 and that as a result of the aforementioned cancellation of the rate, they can no longer do so.

Applicants assert that, unless the sought rate is granted the shipper would be required to segregate, specify and individually classify the great number of individual commodities involved and that the cost to the shipper would be as much as or more than the direct cost of the transportation. Applicants declare that Standard engages in proprietary operations from its plant at Torrance to its various retail stores as far north as Fresno and has threatened to resort to proprietary operations from Torrance to the points in question rather than incur the segregating and classification expenses.

Applicants aver that the shipper would perform services and adhere to conditions as follows:

- a. Standard would provide all loading service at its Torrance plant, would affix a seal to the carrier's trailer and would note on the bill of lading "shipper load and count."
- b. Standard would provide unloading services at all destinations.

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The 61 cent rate is set forth in Item 2675-D of Pacific Southcoast Freight Bureau, Agent, Freight Tariff 294-E.

- c. Carrier would be absolved from liability and would not accept liability for loss, damage, nonreceipt, or misdescription of the goods other than that where the collision or overturning of the vehicle is the proximate cause thereof, provided the vehicle is received at destination with seals intact.
- d. Standard would agree to have tendered to carrier two backhaul trailer loads of Titanium Dioxide from the DuPont plant in Antioch to Torrance, for every three loads of Standard's merchandise moved under the deviation applied for herein.
- e. Standard would tender at least 36 loads per quarter for carrier to haul hereunder.

Data submitted by applicants indicate that the proposed rate will be compensatory.

The certificate of service shows that a copy of the application was mailed to California Trucking Association on February 7, 1969. No objection to the granting of the application has been received.

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

IT IS ORDERED that:

1. Philip D. DeGregory and Joyco L. DeGregory, doing business as Joyco Enterprises, are authorized to transport paint, paint materials and related articles for Standard Brands Paint Co. from and to the points set forth in Appendix A, attached hereto, at a rate less than the established minimum rates, but not less than that set forth, and subject to the conditions specified, in said Appendix A.

2. The interim authority granted herein shall expire six months after the effective date of this order unless sooner canceled, modified or extended by order of the Commission.

3. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this application and full disposition thereof.

This order shall become effective on the date hereof.

Dated at Los Angeles, California, this 18th day of February, 1969.

William Sproull, Jr.
President

Augustan

She P. Morrison

J. P. Moran

Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 75342

PHILIP D. De GREGORY and JOYCE L. De GREGORY
doing business as
JOYCO ENTERPRISES

APPLICATION OF RATES

Shipper: Standard Brands Paint Co.

Commodity: Paint, paint materials and other articles as described in Note 6.

Rate: 61 cents per 100 pounds subject to minimum weight of 42,000 pounds per truckload.

From: Standard Brands Paint Co., 4300 West 190th Street, Torrance.

To: Standard Brands Paint Co. retail stores at:

- a. Hayward
- b. San Jose
- c. El Cerrito

Conditions:

- Note 1 - Standard Brands Paint Co. must provide all loading service at its Torrance plant, must affix a seal to the carrier's trailer and must note on the Bill of Lading "shipper load and count."
- Note 2 - Standard Brands Paint Co. must provide unloading services at all destinations.
- Note 3 - Carrier shall be absolved from liability and shall not accept liability for loss, damage, nonreceipt, or misdescription of the goods other than that where the collision or overturning of the vehicle is the proximate cause thereof, provided the vehicle is received at destination with seals intact.
- Note 4 - Standard Brands Paint Co. must tender to carrier two backhaul trailer loads of Titanium Dioxide from the DuPont plant in Antioch to Torrance, for every three loads of Standard's merchandise moved under the deviation authorized herein.
- Note 5 - Standard Brands Paint Co. must tender at least 36 loads per quarter for carrier to haul hereunder.

Note 6 - Commodities to be transported under the authority granted herein:

Paints, Paint Materials and Other Articles, viz.: (See Note)

Paints (exclusive of ultramarine blue, artists' paints, bronze powders or flitters, or water color paints in cake form), in packages as prescribed in NMFC, viz.:

Aluminum, Bronze or Gold, liquid

Asphaltum

Kalzomine (Calcimine), dry or paste

Lead Silicate

Ochre, dry

Paints, NOS (exclusive of ultramarine blue, artists' paints, bronze powders or flitters, or water color paints in cake form) but including Chemical, Earth or Metallic Paints, dry, liquid or paste

Blue Lead

Boiler Wall Covering Compound, in cans crated, or in bulk in barrels

Buffing Compounds, boat, floor, furniture or vehicle, dry, liquid or paste

Building or Floor Cement Compounds, dry, in bags

Cement, glass setting in cans, boxed

Cement, pipe fitting

Cement, roofing

Dipentine, in barrels or drums

Ester Gum, solid or lump, in bags or barrels

Frit (Glazing Compound), will also apply on Frit Additives, not exceeding ten (10) per cent of the weight upon which freight charges are assessed

Glue, liquid or dry

Iron Ore, ground, dry

Lead or Zinc Compounds

Litharge

Lithopone

Oil, castor, dehydrated, non-medicinal, in barrels

Oil, China Wood (Tung), in barrels

Oil, cresote

Oil, fish, industrial, non-edible, non-medicinal, in barrels

Oil, linseed

Oil, oiticica, in barrels

Oil, paint, compounded

Oil, soya, industrial, non-edible, in barrels

Paint, Lacquer or Varnish Increasing Compound

Paint, Lacquer or Varnish Reducing, Removing or Thinning Compounds, NOS, or Paint, Lacquer or Varnish Solvents, NOS

Paint or Varnish Driers, dry, liquid or paste

Pigments, colored, non-organic, ground, in bags or barrels

Plaster, calcined, patching

Plaster of Paris, stucco or wall

Plasterboard Joint System (consisting of plastering compound and paper, metal or fabric tape)

Plastic Materials or Products, viz.:

Flakes
Granules
Liquid, synthetic, noibn
Lumps or Solid Mass
Pellets
Powder
Polish, boat, floor, furniture, or vehicle, dry, liquid
or paste
Putty
Red Lead
Roof Coating (not paint or stain), having asphalt, pitch,
resin or tar base
Rust Preventive Pipe Line Coating, asphaltum, coal tar
or pitch base, other than asphaltum or coal tar paint
or varnish, in metal cans in boxes, or in bulk in
barrels
Shellac, gum
Sizing, dry, liquid or paste
Smalts, painters
Spheres, highway marking strip glass, not uniform in
size or shape
Stains, furniture, mortar or wood, liquid
Sublimed Lead
Talc
Titanium Dioxide
Titanium Pigments
Titanium Composite Pigments, dry
Turpentine
Varnishes, asphaltum or coal tar
Varnishes, NOS, including Bronzing Liquids, Japan Varnishes,
Lacquers and Liquid Shellacs
Wax, boat, floor, furniture or vehicle, dry, liquid or
paste
White Lead
Wood Fillers, liquid or paste
Zinc Oxide, dry
Zinc Oxide, paste or ground in oil
Zinc Lead White
Zinc Sulphide Pigments, dry
Zinc Sulphide Pigments, ground, in bags or barrels
Zinc Sulphide, composite pigments, dry

Abrasive Cloth or Paper, including emery or sand paper
Acetone, noibn
Acids, viz.:
Muriatic
Adhesives, noibn
Aluminum or Bronze Powders or Flitters
Aluminum, plastic
Artist Materials or Paints, noibn
Auto Covers
Barbecue Covers
Base Knobs or Doorstops, noibn
Benzol
Blinds, viz.:
Bamboo
Lauan
Matchstick

Brushes, vegetable or wood fibre
Brushes, wire
Cans, noibn, sheet iron or steel
Canvas Panels
Caulking or Glazing Compounds, noibn
Cement, felt base carpeting, liquid
Cement, viz.:
 Acoustical Tile
 Carpet
 Facing or Floor Tile
 Linoleum
 Wallboard
Cement, hydraulic, masonry, mortar, natural or portland
Cement, rubber
Chamois
Charcoal
Circuit Breakers or Switches
Clips, paper, steel wire
Cloth or Tape, insulating, noibn
Compounds, viz.:
 Carbon Tetrachloride
 Cleaning, scouring or washing
 Tri-Sodium Phospate
Cordage, viz.:
 Rope, NOS
 Rope or Twine, synthetic fibre
 Twine, noibn
Curtain Poles or Rod Fixtures
Curtain Poles or Rods
Dividers, room
Doors, folding, wooden
Drapes, bamboo
Dressing, canvas
Drop Cloths
Drums, sheet iron or steel
Faucets, noibn, or Bibbcocks, copper, brass or bronze
Fencing, bamboo
Floor or Wall Coverings, viz.:
 Carpets, Carpeting, Mats, Matting or Rugs, viz.:
 Felt Base, plain or decorated
 Brass Strips, linoleums:
 Abrasive Composition
 Linoleum Mats or Linoleum Rugs
 Tile, facing or flooring
Floor Sweeping Compounds
Formica
Frames, mirror or picture, wooden, also mirror and picture
 frame moldings, wooden
Glass Cloth
Gloves, rubber or canvas
Hardware, viz.:
 Bamboo Blind Hardware
 Blades, scraper
 Bolts, toggle
 Brackets, shade
 Brackets or Standards, shelf, metal

Catches or Latches, metal or plastic and metal
Drapery Hardware
Hinges or Butts, noibn, brass, bronze or copper
Hinges or Butts, noibn, iron or steel, spring
Hinges or Butts, noibn, iron or steel other than spring
Hooks, picture
Knobs or Pulls, door or drawer, noibn, porcelain or metal
Plunger Set
Scrapers
Shears
Trowels
Hooks, ladder
Ladders, viz.:
 Extension, metal or wood
 Step, metal or wood
Lamps, electric, incandescent
Lamps, fluorescent, other than neon
Legs, furniture
Letters, alphabetical or numbers, noibn
Marking Pens
Mats or Matting, viz.:
 Fibre, other than cotton, synthetic fibre, silk or wool
 Grass or Straw
 Jute or Hemp
 Rubber
 Rubber Composition
Moldings, iron or steel
Mortar, building, noibn, dry
Nails, iron or steel, noibn
Nails or Tacks, upholstery, viz.:
 Nickel
 Brass
 Bronze
Outlet Plates, viz.:
 Metal
 Plastic
 Wood
Paper or Paper Articles, viz.:
 Autographic Register, Cash Register or Computing
 Machine
 Bags
 Carbon
 Contact
 Envelopes, noibn
 Felt
 Forms, noibn, printed or not printed
 Labels
 Pads, Tablets or Blank Books
 Pails, paint
 Register, sales or transfer checks or tickets, noibn
 Shelf Decorating, noibn
 Strainer
 Tag
 Toilet
 Towels
 Wall, noibn, or wallpaper samples or sample books
 Wrapping

Pails, galvanized
Paint Mixer
Paint Paddles
Paint Rollers
Paint Roller Covers
Paint Roller Sets
Paint Trays
Paste, adhesive, noibn
Panelboard
Panelboard Cap and Base
Pencils
Plaster
Plastic Articles, viz.:
 Blinds
 Pails
 Sheets
Plastic Brick
Poles, bamboo
Pouring Lips
Printed Matter
Pulls, window shade, plastic, metal or cloth
Rags
Resin Catalyst
Roofing, Building or Paving Materials, as described in
 Note 7
Rubber Bands, elastic
Rubber, foam
Rugs, rice
Screws, metal
Shades, with or without fixtures, viz.:
 Porch:
 Bamboo
 Cloth or Fibre
 Wood Slat
 Window:
 Bamboo
 Window Shades, noibn
Shutters and Shutter Doors
Solder, noibn
Sponges
Spray Equipment, viz.:
 Power Sprayers, paint
 Spray Equipment Parts
 Vacuum Spray Guns
Squeegees
Stair Treads or Risers, viz.:
 Rubber Composition
 Synthetic Plastic Composition
Staples, iron or steel, noibn
Stencils, noibn
Stools, step
Switch Plates, viz.:
 Plastic
 Wood
Tacks, iron or steel

Tape, masking, viz.:

Paper
Plastic

Tapestry, bamboo

Tarpaulins

Thresholds, viz.:

Metal
Wooden

Tile, cork

Tile or Tiling, Facing or Flooring or Facing Cove or

Molding, viz.:

Asphalt Composition
Linoleum
Plastic Composition

Rubber Composition or Asbestos and Rubber Composition

Tile Facing or Flooring, composition or plastic, noiba

Tinsel

Tools, viz.:

Glass Cutters
Hand Sand Tool
Knives, linoleum
Knives, putty
Planks, extension
Scrapers
Shears
Spreaders, linoleum paste
Trowels

Vinyl Counter Top

Vinyl Cove Base

Vinyl Cove Base Strips

Wallboard

Wood Squares, patterned

Wood Strips, lauan

Wool, steel

Note--Rates will also apply on Brushes, Paint, Kalsomine or Floor Waxing and Paint Applicators, hand (roller-type), not to exceed 2 per cent of the weight of the entire shipment.

Note 7 - Commodities referred to in Note 6 hereof:

Roofing, Building or Paving Materials, viz.: - See Note 11

Asbestos, plain or saturated, not coated - subject to Note 8, viz.:

Building felt or paper)

Roofing felt or paper) in boxes, bundles, crates or rolls

Sheathing felt or paper)

Asbestos Millboard, in boxes or crates, or in burlapped rolls

Asphalt Composition Paving or Flooring Boards or Planks, loose or in packages

Asphalt Flooring Compound, liquid or paste, in packages

Asphalt Flooring Compound, solid (mastic blocks), loose or in packages
Asphaltic Sewer Pipe Joints, in boxes
Boards, wall (other than plaster boards), loose or in packages
Cement, roofing, liquid or other than liquid, in packages
Coating, roof (not paint or stain), having asphalt, pitch, rosin or tar base, in metal pails, in metal cans in crates, or in bulk in barrels
Compound, waterproofing, dry, liquid or paste, viz.:
Cement, Concrete or Masonry, in packages
Felt or Paper, building, roofing or sheathing, in multiple-ply sheets, bonded together
Felt or Paper (other than asbestos), plain or saturated - subject to Note 8, viz.:
Building)
Roofing) in bundles or rolls
Sheathing)
Lining (felt or paper), carpet, plain (not indented, corrugated, or quilted), in bales, boxes, bundles, crates or rolls
Paving Joint Compound, asphalt base or rubber composition, in packages
Paving Joints, expansion, viz.:
Asphalt or Asphalt Base, loose or in packages
Rubber Composition, loose or in packages
Roofing, composition or prepared, in bundles, rolls, boxes or crates - subject to Note 8, viz.:
Asbestos Felt or Paper, multiple-ply, saturated and bonded together with asphalt, pitch, tar or similar materials
Felt or Paper, saturated and coated with asphalt, pitch, tar or similar materials and surfaced with crushed slate, talc, sand, mica, pebbles or similar materials, but not combined with burlap, cotton cloth or other fabrics
Felt or Paper, saturated and coated with asphalt, pitch, tar or similar materials combined with burlap or cotton cloth, coated or not coated
Roofing, glass fibre, coated with asphalt, pitch, tar or similar materials, and surfaced with crushed slate, talc, sand, mica, pebbles or similar materials, but not combined with burlap, cotton cloth or other fabrics
Roofing or Shingles, asphalt saturated paper or felt and aluminum foil, combined - subject to Note 10
Shingles or Siding, in bundles, boxes or crates - subject to Note 8, viz.:
Asbestos, flexible or hard (artificial stone shingles, siding or slates)
Asphalt, coated or not coated with gravel, mica, sand, slag or other similar materials

Asbestos Flat Hard Sheathing or Wallboard, loose or in packages - subject to Note 9
Asbestos Lumber, loose or in packages - subject to Note 9
Asbestos Ridge Roll, loose or in packages - subject to Note 9
Asbestos Roofing or Sheathing, hard, flat or corrugated, loose or in packages - subject to Notes 8 and 9

Asphalt (Asphaltum), natural, by-product or petroleum,
viz.:
Liquid, other paint, stain or varnish, in metal pails,
in metal cans in crates, or in bulk in barrels
Solid, in packages
Boards, wall, viz.:
Plaster Boards (Fibreboard, Pulpboard, Strawboard,
Felt or Fibre and Plaster Combined), loose or in
packages
Pitch (other than brewer's, montan or pine), in
barrels with or without heads
Roofing, composition or prepared - subject to Note
8, viz.:
Cotton Cloth, saturated or coated with asphalt,
pitch, tar or similar materials, coated or not
coated with gravel, mica, sand, slag or other
similar coating, in rolls - subject to Note 9
Tar, coal or petroleum, in barrels
Tape, insulating, glass fibre (see Note 12).

Note 8 - With shipments of one or more articles making reference to this Note, there may be included metal fasteners, metal or wooden strips, mop yarn, nails or tin roofing caps, not to exceed 10 per cent of the weight of the entire shipment.

Note 9 - The aggregate weight of articles making reference to this Note is limited to 15 per cent of the total weight of the shipment or of the minimum weight when greater than the actual weight.

Note 10 - Rates also apply on tin roofing caps, metal or wooden fastenings, noibn, nails or roofing cement, noibn, not exceeding 10 per cent of the weight of the roofing or shingles.

Note 11 - With shipments of roofing, building or paving material there may be included asbestos fibre or asbestos waste, in bags, bales, barrels or boxes, not to exceed 10 per cent of the actual or minimum weight, whichever is greater, of the entire shipment.

Note 12 - Tape, insulating, glass fibre, may be loaded in mixed trailer loads with shipments of roofing, building and paving materials described herein, in packages, weight of such tape not to exceed five per cent of the total weight of the trailer load or of the minimum trailer load weight when greater than actual weight of the roofing, building and paving materials.

(END OF APPENDIX A)