

Decision No. 76959

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of YANDELL TRUCKAWAY, INC., for
authority to continue to depart
from the rates in Minimum Rate
Tariff No. 2, under the provisions
of Section 3666 of the Public
Utilities Code of the State of
California.

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) Application No. 51570
(Filed December 19, 1969;
amended February 5, 1970)

OPINION AND ORDER

Applicant holds radial highway common carrier and highway contract carrier permits. By Decision No. 75483, dated March 25, 1969, in Application No. 50919, it was authorized to transport glass bottles, demijohns or jars under specified conditions for Owens-Illinois, Inc., from said company's plant, warehouse and storage sites in Oakland to various destinations at rates one cent per 100 pounds less than the minimum rates otherwise applicable. The authority is scheduled to expire on April 3, 1970. By this application, authority is sought to continue to deviate from the established minimum rates for a further one-year period.

The authority herein in issue was previously found by the Commission to be reasonable upon the basis of evidence received at a public hearing. The evidence showed that the loading of Owens-Illinois, Inc., palletized shipments of glassware into Yandell's trucks had been performed by the carrier's employees using fork-lift equipment but that the shipper entered into an agreement with local teamster union representatives whereby the drivers of its proprietary trucks would perform the loading of applicant's trucks when Yandell was hauling for said shipper. Applicant is notified when

loading of its equipment is completed and a driver is then dispatched to tie down the load and commence the transportation service. Applicant maintains a terminal for its truck equipment directly across the street from the Oakland plant of Owens-Illinois, Inc., and the carrier's empty equipment is readily available for loading as needed by the shipper.

Applicant states that circumstances, conditions and mode of operation cited in its original application continue to exist. Revenue and expense data submitted by applicant indicate that the transportation involved has been profitable and reasonably may be expected to be profitable for the ensuing year.

The certificate of service shows that a copy of the application was mailed to California Trucking Association on or about December 17, 1969. The application was listed on the Commission's Daily Calendar of December 22, 1969. No objection to the granting of the application 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 Commission concludes that the application should be granted.

In view of the impending expiration date of the current authority, the order which follows will be made effective April 3, 1970.

IT IS ORDERED that:

1. Yandell Truckaway, Inc., a corporation, is authorized to transport glass bottles, demijohns or jars, other than cut, with or without their equipment of caps, covers, stoppers or tops, for Owens-Illinois, Inc., from said company's plant, warehouse and storage sites at Oakland to destinations located in northern,

central and southern California at rates less than the minimum rates, but not less than one cent per 100 pounds less than the otherwise applicable class rates contained in Minimum Rate Tariff No. 2, subject to the following conditions:

- a. Minimum Weight per shipment (per unit of carrier's equipment used) shall be not less than 20,000 pounds.
- b. Shipments shall be palletized and loaded with power equipment, as defined in Minimum Rate Tariff No. 2, by Owens-Illinois, Inc., without the assistance of, and any expense to, the carrier.
- c. Shipments shall be restricted to those moving under the otherwise applicable class rates named in Minimum Rate Tariff No. 2.

2. The authority herein granted shall, on and after April 3, 1970, supersede the authority granted by Decision No. 75483 and shall expire with April 3, 1971.

The effective date of this order shall be April 3, 1970.

Dated at SAN FRANCISCO, California, this 17th day of MARCH, 1970.

William Symons Jr.
President

Augustine

[Signature]

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Yveson L. Stevens
Commissioners