

Decision No. 77605

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 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 of which  
 rates are provided in Minimum Rate  
 Tariff No. 15).

Case No. 7783  
 Petition for Modification  
 No. 28

(Filed May 25, 1970;  
 Amended June 10, 1970)

INTERIM OPINION AND ORDER

Boyd Trucking Co., Inc., a corporation, is a highway common carrier of lumber and forest products operating generally within the State of California. Petitioner states that since 1964 it has provided motor vehicle equipment and drivers to Kimberly-Clark Corp. for the transportation of lumber and forest products between that company's mills, other lumber mills and other points in California within 250 miles of Anderson. Petitioner assesses yearly vehicle unit rates as named in Pacific Coast Tariff Bureau's Local Freight Tariff No. 101, Cal. P.U.C. 36, C. R. Nickerson, Agent. These rates are the same as those named in Minimum Rate Tariff No. 15.

Effective May 1, 1970, the vehicle unit rates in Minimum Rate Tariff No. 15 were increased, and corresponding increases were published by petitioner. By this petition, authority is sought to charge less than the minimum rates, subject to mileage and equipment restrictions not provided in MRT 15. Petitioner states that it enjoys particularly advantageous operating conditions resulting in

a favorable operating ratio. Studies attached to the petition show that the transportation has been performed at a profit.

Petitioner states that it has been advised by Kimberly-Clark Corp. that unless the sought authority is obtained, it will give serious consideration to purchasing its own equipment and cease using petitioner's services. Accordingly, petitioner seeks emergency authority pending a hearing.

Subject to further review upon consideration of additional evidence which may be adduced at a public hearing to be scheduled in this proceeding, it appears, and the Commission finds, that the proposed rates are reasonable and justified by transportation conditions. In view of the existing threat of proprietary transportation and of petitioner's urgent need for the rate relief sought herein, the Commission concludes that petitioner 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. Boyd Trucking Co., Inc., is hereby authorized to publish and file vehicular unit rates which were in effect in Minimum Rate Tariff No. 15 on April 30, 1970, subject to the conditions set forth in Appendix A attached hereto and made a part of this order. The rates authorized herein shall be published to expire six months after the effective date of this order.

2. Tariff publications authorized to be made as a result of the order herein may be made effective on not less than five days' notice to the Commission and to the public.

3. Boyd Trucking Co., Inc., is hereby authorized to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein. Schedules containing the rates published under this authority shall make reference to 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 11<sup>th</sup>  
day of AUGUST, 1970.

Augusta  
Chairman

William J. Quinn

John M. ...  
Commissioners

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

APPENDIX A

BOYD TRUCKING CO., INC.

Rates published in accordance with the authority herein granted shall contain the following restrictions:

1. Limited to the transportation of lumber and forest products between Anderson, California, on the one hand, and points within 250 miles of Anderson, excluding Camino, on the other hand.
2. Limited to shippers who contract for the rental of at least five units of equipment.

(End of Appendix A)