

Decision No. 77887

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of COYNER TRUCKING COMPANY, INC.,)
 a corporation, for an Extension)
 of Authority to Depart from)
 Minimum Rate Tariff No. 2, under)
 the provision of the Highway)
 Carriers' Act, on transportation)
 for BERT McDOWELL CO.)

Application No. 52210
 (Filed September 25, 1970)

OPINION AND ORDER

Coyner Trucking Company, Inc., a corporation, operates as a highway contract carrier. By Decision No. 76318, dated October 21, 1969, in Application No. 51379, it was authorized to transport groceries and related commodities for Bert McDowell Co. from Sacramento to delivery points located within 130 miles of Sacramento at rates computed upon the basis of 81 percent of the applicable minimum rates and charges named in Minimum Rate Tariff No. 2 and in effect at time of shipment. The rate authority is based on the condition that all property to be transported thereunder must be loaded by the shipper. The current authority is scheduled to expire with January 31, 1971. By this application, applicant seeks authority to continue in effect, until January 31, 1972, the same rate authority as that currently in effect.

Applicant alleges that there has been no change in the circumstances or conditions relating to the transportation services in question since the granting of the original authority after public hearing.^{1/} According to the application, the shipper is satisfied

^{1/} Decision No. 63030 dated January 9, 1962, in Application No. 43031 of Charles R. Coyner, an individual, predecessor to applicant herein.

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with the present arrangement and has continued to make available to applicant the same volume of tonnage that it has in the past.

Revenue and expense data submitted by applicant indicate that the transportation performed under this rate authority has been profitable and reasonably may be expected to be profitable during the ensuing year.

The verified application shows that a copy thereof was mailed to California Trucking Association on September 24, 1970. The application was listed on the Commission's Daily Calendar of September 28, 1970. No objection to the granting of the application has been received.

In the circumstances it appears, and the Commission finds, that the proposed basis of rates is reasonable for the transportation service involved. A public hearing is not necessary. The Commission concludes that the application should be granted to the extent indicated in the following order.

IT IS ORDERED that:

1. Coyner Trucking Company, Inc., a corporation, is hereby authorized to transport property for Bert McDowell Co. from Sacramento to points within 130 miles of Sacramento at rates less than the established minimum rates but not less than those set forth, and subject to the conditions specified, in Appendix A attached hereto and by this reference made a part hereof.

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2. The authority herein granted shall, on and after January 31, 1971, supersede the authority granted by Decision No. 76313 and shall expire with January 31, 1972.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 14
day of NOVEMBER, 1970.

J. P. [Signature]
Chairman

[Signature]

William [Signature]

[Signature]

Vernon L. Sturgeon
Commissioners

APPENDIX A

COYNER TRUCKING COMPANY, INC.

Schedule of Minimum Rates for
Transportation of Property for
Bert McDowell Co.

Section 1

Item 10, Application of Rates - General

To the extent that Minimum Rate Tariff No. 2 prescribes minimum rates for the transportation of property, said minimum rates, rules and regulations are applicable to all shipments except as specifically provided in Section 2.

Section 2

Item 20, Application of Rates - Territorial

Rates computed under this section apply to the transportation of property from the premises of Bert McDowell Co., Sacramento, to points in Northern California located within 130 constructive miles of the intersection of Twelfth Street and L Street, Sacramento, California.

Item 30, Application of Rates - Commodities

Rates computed under this section apply only to such articles regularly sold or offered for sale by Bert McDowell Co. in its retail or wholesale grocery establishments.

Item 40, Application of Rates - Limitations and Conditions

Rates computed under this section are subject to the following conditions:

- a. All property must be loaded into carrier's equipment by Bert McDowell Co. and tendered to the carrier with the vehicle sealed.
- b. Shipping documents must bear the notation "Shipper Load and Count."

- c. Carrier shall be absolved from liability and shall not accept liability for loss, damage, nonreceipt or misdescription of goods, other than that where the collision or overturning of the vehicle or where negligence on the part of the carrier or his employees is the proximate cause thereof.

Item 50, Shipping Documents

Carrier may accept from the shipper component parts of a shipment, including a split delivery shipment, being progressively received, handled and loaded into carrier's equipment during one calendar day, prior to being furnished with manifest or written delivery instructions covering the entire shipment.

Item 100, Rates

CLASS RATES

Minimum weight as provided in the Governing Classification, Exception Ratings Tariff No. 1 or Minimum Rate Tariff No. 2 (subject to Item No. 290 of MRT 2) but not less than 20,000 pounds.

Minimum weight as provided in the Governing Classification, Exception Ratings Tariff No. 1 or Minimum Rate Tariff No. 2 (subject to Item No. 290 of MRT 2).

Class Ratings

35	55	50.1	35	35.1	35.2	35.3
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The class rates and charges to be applied under the specified ratings only shall be computed upon 81 percent of the applicable minimum rates and charges contained in Minimum Rate Tariff No. 2 at time of shipment.

COMMODITY RATES

Canned Goods and related products as described in Items Nos. 320, 333 and 345 of MRT 2.

Grain, Rice, Grain Products and related products as described in Items Nos. 652 and 653 of MRT 2.

<u>Minimum Weight (Pounds)</u>				<u>Minimum Weight (Pounds)</u>		
30,000	36,000	42,000	45,000	20,000	30,000	40,000

The commodity rates for the above commodities shall be computed upon 81 percent of the applicable minimum rates and charges contained in Minimum Rate Tariff No. 2 at time of shipment.

END OF APPENDIX A