

ORIGINAL

Decision No. 78262

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 for)
 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)

Marvin Handler, Attorney at Law, for Boyd Trucking
 Company, petitioner.
R. C. Broberg, R. W. Smith and A. D. Poe, Attorneys
 at Law, and H. Kollmyer, for California
 Trucking Association, protestant.
William D. Mayer, for Del Monte Corporation,
 interested party.
F. W. Foley and B. I. Shoda, for the Commission
 staff.

O P I N I O N

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 similar to those named in Minimum Rate Tariff 15.

By Decision No. 77605, dated August 11, 1970, petitioner was authorized, pending a public hearing, to publish rates less than the minimum rates. The present rates are published to expire February 21, 1971. The authorized rates are the same as those named in Minimum Rate Tariff 15 prior to May 1, 1970.

Public hearing was held November 20, 1970, at San Francisco before Examiner Turpen. Evidence in support of the petition was presented by petitioner's president, by an accountant and by an official of Kimberly-Clark Corp. Representatives of the California Trucking Association and of the Commission staff assisted in developing the record.

The record shows that petitioner uses seven units of truck and trailer, in performing this transportation, for two shifts a day, five days a week. Studies introduced in evidence show that the transportation is profitable at the authorized rates. Petitioner asked that, if the petition is granted, the rates be increased on June 1, 1971, to reflect increased drivers' wages as set forth in its labor contract. This would result in increasing the monthly rate from \$1,485 to \$1,555, and the excess hours rate from \$7.95 to \$8.50.

The present interim authority provides that the rate shall be limited to those shippers who contract for the rental of at least five units of equipment. The California Trucking Association urged that this be changed to seven, the number now being used and expected to be used in the future, mainly to protect the rate against use by other carriers. However, the record shows that the minimum of five units will still protect the rate, will provide a flexibility in the case of unforeseen developments, and that the operation would still be profitable if only five units are used. It appears that the minimum of five units of equipment should be continued.

The representative of Kimberly-Clark Corp. stated that unless the sought less-than-minimum rate authority is continued it would probably purchase its own equipment for this transportation and cease using petitioner's service.

The Commission finds that the proposed rates are reasonable and justified by transportation conditions, and that the proposed increases as of June 1, 1971, are justified. The authority herein granted will be for a period of one year.

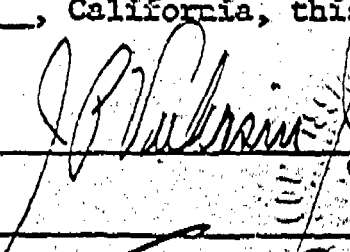
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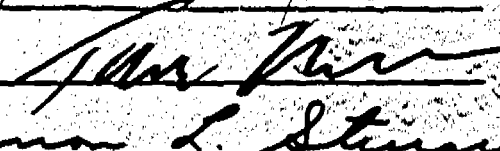
IT IS ORDERED that:

1. Boyd Trucking Co., Inc., is hereby authorized to extend the expiration date of the rates authorized by Decision No. 77605 for one year, subject to the conditions set forth in Appendix A attached hereto and made a part of this order, and subject to the provisions of ordering paragraph 2 hereof.
2. Petitioner is authorized and directed to publish increases in rates to be effective June 1, 1971 of monthly charges of \$1,555 and excess hours charge of \$8.50.
3. 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.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 2nd day of FEBRUARY, 1971.



Chairman


Commissioners

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)