

Decision No. 82372**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 authority to deviate  
from the rates, rules and regulations  
of Minimum Rate Tariff No. 2 in the  
transportation of sugar for the  
account of California & Hawaiian  
Sugar Company under the provisions of  
Section 3666 of the Public Utilities  
Code.

Application No. 54414  
(Filed October 29, 1973)

O P I N I O N

Coyner Trucking Company, Inc., presently providing service as a permitted carrier, requests authority to transport sugar, in packages, from the plant of California & Hawaiian Sugar Company at Crockett to points in California located within 350 miles of Crockett and to return the empty pallets to Crockett, without charge, at rates less than provided for in Minimum Rate Tariff 2.

It is alleged that the authority requested is similar to the authority granted to Pacific States Express, Inc. by Decision No. 81729 dated August 14, 1973 in Application No. 53669; that the sugar will be mechanically loaded with forklift equipment owned and operated by California & Hawaiian Sugar Company without expense to applicant; that shipments loaded on pallets will facilitate the unloading operation; that there will be no terminal handling involved and shipments will be delivered by the same van in which originally loaded; that the proposed transportation will permit applicant to better balance its operation and minimize empty mileage; and that the proposed rates and charges will be compensatory.

The certificate of service indicates that a copy of the application was served upon the California Trucking Association. No objection to the application has been received.

Based upon the allegations set forth in the application, the Commission finds that the proposed rates are reasonable for the transportation to be performed.

The Commission concludes that applicant should be granted the authority requested for a period of one year.

O R D E R

IT IS ORDERED that:

1. Coyner Trucking Company, Inc. is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 by charging those rates set forth in Appendix A attached hereto.

2. The authority granted shall expire one year after the effective date of this order unless sooner canceled, modified, or extended by order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup> day of JANUARY, 1974.

Samuel L. Steiner  
President  
William J. Quinn  
[Signature]  
[Signature]  
[Signature]  
Commissioners

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Carrier: Coyner Trucking Company, Inc.

Commodity: Sugar in packages, on or off pallets.

From: California & Hawaiian Sugar Company, Crockett, California.

To: Points in California not over 350 constructive miles from Crockett.

Rates: Class rates named in Minimum Rate Tariff 2 applicable on shipments of sugar weighing 10,000 pounds or more, less an allowance of 5 cents per 100 pounds when shipments are loaded by shipper without expense to carrier, subject to the following conditions and limitations.

Note 1: Rates named are subject to the Central Coastal Territory surcharges named in Supplement No. 75 to Minimum Rate Tariff 2, where applicable, also all other applicable provisions shown in Minimum Rate Tariff 2 will apply except that Items Nos. 200 to 240 and paragraph (a) of Item 45 will not apply.

Note 2: When palletized shipments of sugar are transported under rates named herein, the empty pallets, platforms, or skids may be transported to the point of origin of the palletized shipment without charge subject to the following terms and conditions:

- (1) Shipment must be loaded into carrier's equipment by the consignor and/or unloaded by the consignee with power equipment, furnished and used without expense to the carrier and when no services are performed at carrier's expense or by carrier personnel.
- (2) Shipper must indicate the number of pallets and weight thereof on bill of lading covering the loaded movement, and must show reference to the shipping document and date of shipment of the inbound movement on the outbound shipping document.

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- (3) Shipper must indicate on shipping documents that palletized shipments were loaded directly onto trailers by power-loading equipment operated by personnel furnished by shipper; and/or receivers must show on carrier's delivery receipt that shipments were removed by power-loading equipment operated by personnel furnished by receiver.
- (4) Carrier will assess applicable tariff charges on empty pallets under the following conditions:
  - (a) If consignee immediately upon receipt of shipment fails to provide carrier with up to a like number of pallets, either for a return movement, or loaded for a beyond move by carrier, or
  - (b) For any empty pallets tendered in excess of the number of loaded pallets transported by carrier on said shipment.
- (5) The constructive mileage from point of origin to point of destination of the shipment shall not exceed 350 constructive miles.
- (6) For the purpose of this authority, empty pallets, platforms, or skids shall be as described in Items Nos. 150370 (sub 1), 150380, or 150390 (sub 2) of National Motor Freight Classification A-13; six inches or less in height or nested solid (as defined in Item 110 of said classification), and of wood, metal, or wood and metal construction.