

ORIGINAL

Decision No. 82641

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of YANDELL TRUCKAWAY, INC., a California corporation, for authority under Section 3666 of the Public Utilities Code of the State of California to deviate from the minimum rates for the transportation of glass bottles, demijohns or jars for OWENS-ILLINOIS, INC., between certain points.

Application No. 54378
(Filed October 11, 1973)

E. H. Griffiths, for applicant.
Ed Bill and Herbert Hughes, for
California Trucking Association,
interested party.

O P I N I O N

Applicant holds radial highway common carrier and highway contract carrier permits. By this application it seeks authority to assess less than minimum rates for the transportation of glass bottles, carboys, demijohns or jars, other than cut, with or without their equipment of caps, covers, stoppers, or tops, one gallon or less in capacity for Owens-Illinois, Inc. from their plants, warehouse, and storage sites in Oakland to destinations located in Sacramento, Rutherford, St. Helena, Salinas, and San Jose, and from said company's plants, warehouse, and storage sites in Tracy to destinations located in Rutherford, St. Helena, San Francisco, Fresno, and San Jose.

By interim order in Decision No. 82318 dated January 8, 1974, the relief sought was granted on an interim basis until June 8, 1974. Decision No. 82318 also ordered that a public hearing be scheduled for the receipt of evidence. Public hearing was held before Examiner O'Leary on February 1 and 5, 1974 at San Francisco. The matter was submitted on the latter date.

The minimum rates and applicant's proposed rates as amended at the hearing are as follows:

<u>From Oakland To</u>	<u>Minimum Rate 30,000 lb. Minimum</u>	<u>Proposed Rate 35,000 lb. Minimum (except as noted)</u>
Sacramento	56	51
Rutherford	53	48
St. Helena	55	50
Salinas	58	53
San Jose	44	26
<u>From Tracy To</u>		
Rutherford	58	53
St. Helena	60	55
San Francisco	55	50
Fresno	63	58
San Jose	48	34*

*Minimum weight 40,000 lbs.

Applicant's president testified that applicant specializes in the transportation of glass containers for Owens-Illinois, Inc. He further testified that shipments will be palletized and loaded and unloaded with power equipment, as defined in Minimum Rate Tariff 2, by Owens-Illinois, Inc., without the assistance of, and any expense to, the carrier.

Applicant presently is authorized to assess less than the minimum rates for transportation of glass bottles, demijohns, or jars, other than cut, with or without their equipment of caps, covers, stoppers, or tops from warehouse and storage sites of Owens-Illinois, Inc. located in Oakland to destinations in California, pursuant to authority granted by order SDD-169. Under applicant's proposal the deviation granted by order SDD-169 will not apply to shipments from Oakland for which authority is sought herein.

Revenue and expense data submitted by applicant indicate that the transportation at the proposed rate will be profitable assuming applicant's costs do not increase. Applicant's secretary-treasurer testified on cross-examination that applicant's labor

contract calls for an increase effective July 1, 1974 and that its cost of fuel will probably increase because of the current energy crisis.

The representative of the California Trucking Association (CTA) requested that, because of the expected increase in labor and fuel costs, should the relief be granted applicant be required to increase its deviation rates by the same amount as the applicable minimum rates are increased. In order to accomplish the objective set forth by CTA the authority granted herein will set forth the specific amount applicant may deduct from the minimum rate in assessing charges, said amount being the difference between the minimum rate and the requested deviation rate.

Findings

1. The proposed rates will be compensatory.
2. The proposed rates are reasonable and justified.

The Commission concludes that the sought authority should be granted as set forth in the ensuing order. Since the conditions under which the service is performed may change at any time the authority granted in the ensuing order will be made to expire at the end of one year, unless sooner cancelled, changed, or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Yandell Truckaway, Inc. is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 to the extent set forth in Appendix A, attached hereto and by this reference made a part hereof.
2. The authority granted by order SDD-169 will not apply to transportation for which authority is granted herein to depart from the minimum rates.
3. The authority granted herein shall expire one year after the effective date of this order.

4. The authority herein granted shall on and after the effective date of this order supersede the authority granted by Decision No. 82318.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 26th
day of MARCH, 1974.

Yuan L. Sturgeon
President
William J. Sturgeon
[Signature]
[Signature]
Commissioners

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

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APPENDIX A

Carrier: Yandell Truckaway, Inc.

Commodity: Glass bottles, carboys, demijohns, or jars, other than cut, with or without their equipment of caps, covers, stoppers or tops, one gallon or less in capacity.

Shipper: Owens-Illinois, Inc.

		Authorized Deduction from Minimum Rate in Cents Per 100 lbs.
From Oakland	To	
Sacramento		5
Rutherford		5
St. Helena		5
Salinas		5
San Jose		18
From Tracy	To	
Rutherford		5
St. Helena		5
San Francisco		5
Fresno		5
San Jose		14

Minimum Weight: 35,000 lbs. except on shipments from Tracy to San Jose which are subject to a minimum weight of 40,000 lbs.

Condition: Shipments are to be palletized and loaded and unloaded with power equipment without the assistance of or any expense to the carrier.

In all other respects the rules and regulations of Minimum Rate Tariff 2 shall govern.