

Decision No. 86485

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GUTHMILLER TRUCKING, INC., a corporation, for deviation from the minimum rates for the transportation of tin plate and aluminum plate and can ends between Pittsburg, California, on one hand and Lodi, Sacramento, San Leandro and San Jose on the other hand, and between San Leandro on one hand and Lodi, California, on the other hand, for Continental Can Company, Inc., and for temporary ex parte deviation authority.

Application No. 56190  
(Filed January 9, 1976)

Carr, Smulyan & Hartman by George M. Carr,  
Attorney at Law, for applicant. ✓  
Handler, Baker & Greene, by Daniel W. Baker,  
Attorney at Law, for Coast Lines, Inc.,  
Ditto Freight Lines, and Morris Draying  
Company, protestants.  
R. M. Zaller, for Continental Can Company;  
and C. D. Gilbert and H. Hughes for  
California Trucking Association;  
interested parties.  
Russell D. Corning, for the Commission staff.

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 the minimum rates set forth in Minimum Rate Tariff 2 for the transportation of tin plate, aluminum plate, and can ends from Pittsburg and San Leandro to Lodi, Sacramento, San Leandro, and San Jose for Continental Can Company, Inc. (Continental).

Public Hearing was held before Examiner O'Leary at San Francisco on June 3 and 4, 1976. The matter was submitted on the latter date.

The application was amended at the hearing to delete San Leandro as an origin point and to increase the sought rates and minimum weights applicable to the shipments.

Continental intends to tender to applicant a minimum of two loads per day between any two termini. The sought deviation rates are based on a minimum weight of 96,000 pounds per shipment. All loads will be power loaded by the consignor and power unloaded by the consignee. Time for loading approximates 30 minutes per load. Time for unloading approximates 30 minutes to one hour per load, depending upon destination. Securing the load after loading and unsecuring the load prior to unloading is the responsibility of applicant's personnel and consumes an additional 15 to 30 minutes for each function.

The transportation performed by applicant is performed in applicant-owned trailers and owner-operator tractors. The owner-operators receive 70 percent of the revenue derived except when they furnish certain equipment in which event they receive 75 percent of the revenue. A summary of applicant's responsibilities is set forth in Exhibit 4.

Exhibits 11 and 12 are cost studies covering the cost to applicant and the cost to the owner-operators under the proposed rates. The exhibits disclose that the transportation at the proposed rates will be compensatory to both applicant and the owner-operator.

The service proposed may be expected to generate revenue of approximately \$107,500 annually; approximately \$50,000 less than the minimum rates would produce, an average reduction of approximately 32 percent.

Findings

1. The circumstances that exist for applicant's transportation of the commodities involved in this proceeding which are not present in the ordinary transportation of this commodity are substantial movement and a guarantee of two loads per day between origin and destination.

2. There is a cost saving directly attributable to applicant's transportation of the commodity involved.

3. The proposed rates are compensatory and reasonable.

The Commission concludes that the application should be granted.

Since conditions under which the service is performed may change at any time, the authority granted in the ensuing order will expire at the end of one year unless sooner canceled, modified, or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Guthmiller Trucking, 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 of this decision. This authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13th  
day of OCTOBER, 1976.

*[Signature]* President  
*William J. [Signature]*  
*Vernon L. Stulgem*  
*Leonard [Signature]*  
*Robert [Signature]* Commissioners

APPENDIX A  
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Carrier: Guthmiller Trucking, Inc.

Shipper: Continental Can Company, Inc.

Commodity: Plate tin mill black, tin plate,terne plate; chrome plated black plate; plain, coated lacquered or painted; lithographed or printed N.O.I.; aluminum plate or sheet; can ends, steel or tin or aluminum.

Origin: Continental Can Company, Inc., Pittsburg.

Destinations:

1. Continental Can Company, Inc. or Pacific Coast Producers  
835 South Stockton Street  
Lodi
2. Continental Can Company, Inc.  
601 North 7th Street  
Sacramento
3. Continental Can Company, Inc.  
1951 Fairway Drive  
San Leandro
4. Continental Can Company, Inc.  
357 East Taylor Street  
San Jose

Rates:

<u>To</u>	<u>In cents per 100 lbs.</u>
Lodi	25
Sacramento	35
San Leandro	24
San Jose	28

Minimum Weight: 96,000 pounds

Conditions:

1. Each shipment to be two (2) truckloads.
2. Shipments to be power loaded by Continental Can Company, Inc. at no expense to carrier or subhauler.
3. Shipments to be power unloaded at no expense to carrier or subhauler.

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4. Shipments may be a mix of any of the above listed under "Commodity".
5. There will be no split delivery shipments under these rates.
6. If shipper or receiver fails to load or unload within one hour of the scheduled time or the actual arrival time, whichever time is later, shipper will pay a detention charge or \$10 per hour based on one quarter hour increments or any fraction thereof.
7. Freight charges will be paid by Continental Can Company, Inc.
8. Return shipments of skids, pallets and wrappings as well as other return movements will be transported at MRT 2 Rates.
9. Owner-operators will be paid not less than 70 percent of the gross revenue except when the owner-operator provides tarps, aluminum V-boards, chains, binder ropes, and other tie-down equipment in which event the owner-operator will be paid not less than 75 percent of the gross revenue.
10. The provisions of Supplement 75, Supplement 119, and Decision No. 85755 will not apply to this transportation.