

CA-12

Resolution No. STD- 1149

TRANSPORTATION DIVISION  
TARIFF & LICENSE BRANCH  
Tariff Section

Before the Public Utilities Commission  
of the State of California

RESOLUTION ORDERING DISPOSITION OF  
SPECIAL TARIFF DOCKET REQUESTS

Requests as identified hereinafter have been filed on the Special Tariff Docket for authority to make tariff changes for which permission of the Commission is requisite under provisions of the Public Utilities Code or orders of the Commission. Due consideration has been given to the representations contained in the verified requests, and good cause appearing, the following findings and order are made:

The Commission finds that the following requests are justified and should be granted subject to conditions specified in the orders which are attached hereto and by this reference made a part hereof:

Request and  
Order No.

Request Filed By:

STD 9980

Nickels Trucking Company, Inc.

The Commission finds that the following requests do not contain sufficient justification for the authority sought, and therefore should be denied without prejudice:

Request and  
Order No.

Request Filed By:

NONE

The Commission finds that the following requests are of a nature not suitable for processing on the Special Tariff Docket, and therefore should be dismissed without prejudice:

Request and  
Order No.

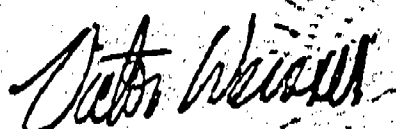
Request Filed By:

NONE

IT IS ORDERED that the aforesaid requests are granted, denied or dismissed, as the case may be, in accordance with the findings hereinbefore set forth, and as specified in the orders which are attached hereto and by this reference made a part hereof.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California, held on the 10th day of May, 1989, the following Commissioners voting favorably thereon.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

  
Executive Director of the  
Public Utilities Commission of the State of California

Order No. STD- 9980

Before the Public Utilities Commission of the State of California

Request filed by:

NICKELS TRUCKING COMPANY, INC.

} Special Tariff Docket  
Request Numbered Same as  
Order Number Above.

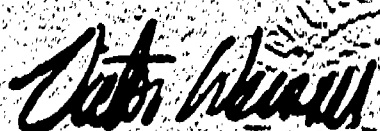
In conformity with the findings and order made by the Commission in a resolution entered this day, the request, copy of which is attached hereto and by this reference made a part hereof, is granted, subject to the following conditions:

NONE

The authority herein granted is limited strictly to its terms, and shall expire unless the tariff provisions authorized herein are published and filed in the San Francisco office of this Commission within ninety days after the date hereof. The item of tariff or supplement issued pursuant to this order shall bear reference to this order in substantially the following form:

"Authorized by Cal. P.U.C. Order No. STD- 9980"

This order issued May 10, 1989 by the Public Utilities Commission of the State of California by the adoption of the resolution of which this order is a part.

  
Executive Director of the  
Public Utilities Commission of the State of California

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF  
THE STATE OF CALIFORNIA

Application of NICKELS TRUCKING )  
COMPANY, INC. (T-89280) under )  
the Shortened Procedure Tariff )  
Docket to establish changes in )  
the vehicle unit rate tariff )  
which result in decreases, and )  
for authority to depart from )  
long-and-short prohibitions to )  
the extent necessary to make )  
such publication )

Application No. STD 9980

APPLICATION - SHORTENED PROCEDURE TARIFF DOCKET

The Application of NICKELS TRUCKING CO. INC., 30131 So.  
Highway 33, Tracy, California, 95376, respectfully shows:

I

Applicant is a highway common carrier engaged in the  
transportation of general commodities throughout the state  
of California, pursuant to operating authority issued by the  
California Public Utilities Commission. Its Articles of  
Incorporation have been previously filed with the  
Commission.

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CALIFORNIA

II

Communications regarding this matter should be addressed to:

Michael J. O'Neill  
Nickels Trucking Co. Inc.  
30131 So. Highway 33  
Tracy, California 95376  
Telephone: (800) 331-8613

III

By this filing, authorization is requested to publish a new tariff item applicable to annual and monthly vehicle unit rates. An example of the proposed tariff item is appended hereto as Exhibit "A."

In support hereof, Applicant sets forth the following particulars:

IV

Applicant holds itself out to the general public to transport general commodities in both truckload and less-than-truckload shipments. However, it is principally engaged as a truckload, high cube, carrier of light density commodities on roller van equipment. Applicant provides statewide, just-in-time service to numerous shippers within California. Applicant also provides the same type of

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STATE OF CALIF.  
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equipment to several of the same customers under vehicle unit rates and charges. Applicant's current vehicle unit rates and charges can be found in items 200 through 211 and items 300 through 311 of CWTB Vehicle Unit Rates Tariff No. 100. The rates and charges in CWTB No. 100 have basically been brought forth without change from the Commission's Minimum Rate Tariff No. 15, later published as Transition Tariff No. 15. The rates in these tariffs were last adjusted to reflect specific costs of motor carrier operations in 1980, just prior to the cancellation of Minimum Rate Tariff No. 15. Since that time the Commission has authorized limited adjustments of carrier rates pursuant to Decision 86-04-045 and the several truck freight cost index adjustments. 1/

V

Applicant presently operates equipment under vehicle unit rates on a monthly and annual basis for several large shippers. The service at present is very similar to proprietary fleet operation. All of the shippers manufacture either aluminum, steel or plastic food and beverage containers. All of Applicant's existing shippers utilizing equipment under vehicle unit rates operate their

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1/ Resolutions TS-679 and TS 683.

NOTICES SECTION

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WORKING RELATIONS SECTION

manufacturing plants twenty-four hours per day, seven days per week. The majority of the customers of Applicant's existing shippers utilizing equipment under vehicle unit rates also package twenty-four hours per day, seven days per week and most receive their beverage and food containers on a just-in-time basis.

Traffic congestion within major metropolitan centers of the state of California is fast becoming a very severe problem. Various panels and commissions are currently studying the problem. Tom Bradley, Mayor of Los Angeles, has enpaneled a commision to study the problem in Los Angeles County. That commission has proposed restricting truck traffic during peak hours, six to eight hours total per day, Monday through Friday. Other jurisdictions will most likely adopt similar measures. Traffic congestion is a mutual problem, shared by all. We must all aid in the seeking and proposing of solutions. Applicant's filing is an attempt at proposing a partial solution to the problem.

Although Applicant's customers operate twenty-four hours per day, seven days per week, they are monetarily penalized if they choose to utilize Applicant's services on Saturdays or Sundays under current vehicle unit rates and charges. They operate seven days per week, yet are economically restricted to shipping only five of the seven days. In addition, the

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industry practice is to provide dedicated drivers that ultimately become very familiar with the shipper's operation and the operations of the shipper's customers. Whenever Applicant's customers choose to operate their leased equipment on the weekends, they are prone to requiring existing drivers that have already put in forty to fifty hours that same week to work Saturday and Sunday. In addition to the economic penalties under the existing rules, tired drivers are often asked to work as much as twelve or more days straight without time off, obviously creating a question of safety.

Applicant's filing as proposed herein would allow shippers utilizing more than one vehicle under vehicle unit rates to stagger the starting day of the week for each unit. As an example, one unit could be assigned Monday through Friday, one assigned Tuesday through Saturday, and a third assigned Wednesday through Sunday. A shipper could effectuate seven day per week coverage and not be economically penalized and drivers would not be expected to work more than forty to fifty hours per week or more than five days per week. Under this proposal, shippers would benefit, the public safety would be enhanced and a small step would be taken toward improving traffic congestion.

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VI

Applicant believes that there is no opposition to the provisions proposed hereby. Moreover, it has undertaken an analysis to determine the impact of these provisions on its intrastate gross revenues. It has determined that based upon the current and foreseen volumes of business which could be effected by these proposals, the changes resulting therefrom would not change its California gross revenues by more than one percent.

In these circumstances, Applicant believes this is a proper matter for ex parte handling by the Commission, and it so requests.

VII

Applicant will furnish a copy of this application to any interested party upon written request thereof.

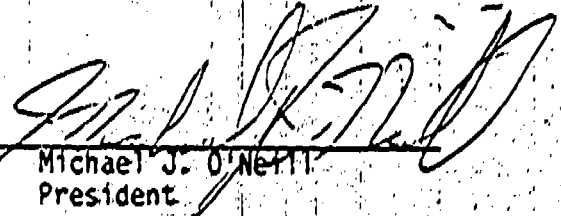
WHEREFORE, Applicant prays that the Commission authorize publication of the provisions set forth in Appendix "A" hereto; that it grant authorization to depart from long-and-short haul provisions of Sections 460 and 461.5 of the Public Utilities Code to the extent necessary to make such changes effective; and for such other and further

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relief as may be appropriate in the circumstances.

Dated at Tracy, California, on February 28, 1989.

By



Michael J. O'Neill  
President

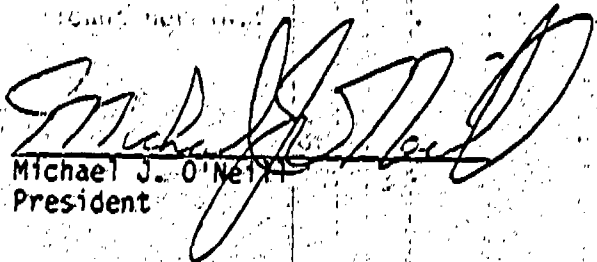
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VERIFICATION

I am the President of the Applicant herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 28, 1989, at Tracy, California.

  
Michael J. O'Neil  
President

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**THE NEXT** 1

**DOCUMENTS ARE**

**POOR ORIGINALS**

*MICROFILMING SERVICES*

*will not assume responsibility  
for the image quality*

EXHIBIT A

CAL. P.U.C. NO. 1

NICKELS TRUCKING CO., INC.

1st Revised Page 2-A-1

LOCAL FREIGHT TARIFF NO. 1

SECTION 1	RULES AND REGULATIONS	ITEM NO.
APPLICATION OF RATES - VEHICLE UNIT RATES (Exception to Item 30 of CWTB Vehicle Unit Rates Tariff No. 100)		
(A)	The base yearly rates as set forth in Items 200 through 311 of CWTB Vehicle Unit Rates Tariff No. 100 apply as follows:	50
(1)	The yearly rates in Items 200, 210 and 311 apply when the Shipper enters into a written agreement with the Carrier for a period of one year or more. The rates set forth are one-twelfth of the annual charges. Except as otherwise provided in subparagraph (a) below, the rates do not include service performed on Saturdays, Sundays or holidays. For service performed on these days the additional charges provided in Item 320 of CWTB Vehicle Unit Rates Tariff No. 100 are applicable.	
(a)	The rates may include service performed for any five consecutive days including Saturdays, Sundays or holidays. Subject to Note 1, when service is performed on such five consecutive-day basis, service performed on the sixth day shall be considered as taking the additional charges provided in Item 320 of CWTB Vehicle Unit Rates Tariff No. 100 applicable for Saturday and service performed on the seventh day shall be considered as taking the additional charges provided in Item 320 of CWTB Vehicle Unit Rates Tariff No. 100 applicable for Sunday.	
(b)	The rates provided in accordance with subparagraph (a) above shall require the Shipper to indicate on the written agreement, as described in Item 91 of CWTB Vehicle Unit Rates Tariff No. 100, its intent to have Carrier perform service on a five consecutive-day basis as provided in subparagraph (a) of this Item.	
(B)	The base monthly rates as set forth in Items 300 through 311 of CWTB Vehicle Unit Rates Tariff No. 100 apply as follows:	
(1)	The monthly rates in Items 300, 310 and 311 of CWTB Vehicle Unit Rates Tariff No. 100 will apply for periods of 30 consecutive days. Except as otherwise provided in subparagraph (a) below, the rates do not include service performed on Saturdays, Sundays or holidays. For service performed on these days the additional charges provided in Item 320 of CWTB Vehicle Unit Rates Tariff No. 100 are applicable.	
(a)	The rates may include service performed for any five consecutive days including Saturdays, Sundays or holidays. Subject to Note 1, when service is performed on such five day consecutive-day basis, service performed on the sixth day shall be considered as taking the additional charge provided in Item 320 of CWTB Vehicle Unit Rates Tariff No. 100 applicable for Saturday and service performed on the seventh day shall be considered as taking the additional charges provided in Item 320 of CWTB Vehicle Unit Rates Tariff No. 100 applicable for Sunday.	
(b)	The rates provided in accordance with subparagraph (a) above shall require the Shipper to indicate on the written agreement, as described in Item 91 of CWTB Vehicle Unit Rates Tariff No. 100, its intent to have Carrier perform service on a five consecutive-day basis as provided in subparagraph (a) of this Item.	
NOTE 1 -	If a holiday falls within the five consecutive days, service performed on such holiday shall be considered as taking the additional charges provided in Item 320 of CWTB Vehicle Unit Rates Tariff No. 100 applicable for holidays.	

Issued on five (5) days' notice under authority of Cal. P.U.C. Order No. 8710 No.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, USED BUT NOT SHOWN HEREON, SEE LAST PAGE.

ISSUED:

EFFECTIVE:

ISSUED BY: M. J. O'MELL, ISSUING OFFICER  
30131 S. HIGHWAY 33

1 (CWTB 2-10-60)

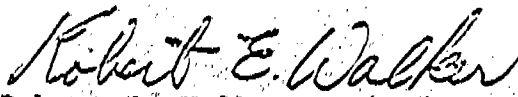
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# Memorandum

May 3, 1989

To : The Commission  
(Meeting of May 10, 1989)

From : Public Utilities Commission—San Francisco -- Robert E. Walker, Principal  
Tariff & License Branch



File No.:

Subject: CA-1

SPECIAL TARIFF DOCKET RESOLUTION NO. 1149

STD - 9980 - Nickels Trucking Company, Inc.

Requests authority to amend the application of its Vehicle Unit Rates. Applicant would allow shippers utilizing more than one vehicle to stagger the starting day of the week for each unit.

Recommended Denial

NONE

Recommended Dismissal

NONE