

Decision No. 29429.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Investigation on the Commission's own motion into the rates, rules, regulations, tolls, charges, rentals, classifications, contracts, practices, and operations, or any of them, of ENCINAL TERMINALS, a corporation; HOWARD TERMINAL, a corporation; PARR-RICHMOND TERMINAL CORPORATION, a corporation; STATE TERMINAL CO., LTD., a corporation; W. C. MARR, M. S. DODD, and NATHAN MORAN, copartners doing business as SAN FRANCISCO TERMINALS; SOUTH SAN FRANCISCO TERMINAL COMPANY, a corporation; EL DORADO TERMINAL COMPANY, a corporation; PACIFIC ORIENTAL TERMINAL CO., LTD., a corporation; RHODES-JAMIESON, LTD., a corporation; INTERSTATE TERMINAL, A CORPORATION; ALBERS BROS. MILLING COMPANY, a corporation; J. M. ATTHOWE, an individual doing business as BERKELEY TRANSPORTATION COMPANY; GENERAL STEAMSHIP CORPORATION, LTD., a corporation; THE PARAFFINE COMPANIES, INC., a corporation; G. B. LAURITZEN, H. P. LAURITZEN, and N. P. BUSH, copartners doing business as RICHMOND NAVIGATION AND IMPROVEMENT COMPANY; SUDDEN & CHRISTENSON, a corporation; WILLIAMS DIMOND & CO., LTD., a corporation; and ISLAIS CREEK GRAIN TERMINAL CORPORATION, a corporation; etc.

CASE

NO. 4090

BY THE COMMISSION:

SUPPLEMENTAL OPINION

Each of the following named terminal operators, respondents in this case, has applied to this Commission for a supplemental order seeking an amendment in certain of the service charges prescribed by the Commission in Decision No. 29171, dated October 13, 1936. These petitioners are El Dorado Terminal Company, Encinal Terminals, Howard Terminal, Parr-Richmond Terminal Corporation, San Francisco Terminals, Standard Coal Company of California (successor to Rhodes-Jamieson, Ltd.), by Joseph J. Burns, Receiver, and State Terminal Company, Ltd.

The petitioners seek certain adjustments in the service charges as prescribed by Decision No. 29171 in the Intercoastal, Foreign, and Coastwise trades. In support of their request the

petitioners state that the steamer lines, subsequent to the issuance of the above order, advised them that the increases in the service charges upon certain commodities would seriously affect the ability of the lines to transport these commodities at the low water rates under which they now move.

The petitioners, after analyzing the competitive situation and the freight rate structure of the steamer lines, and the disadvantages resulting from any possible curtailment of their tonnage, request the changes set forth hereinafter.

The proposed changes in the Intercoastal and Coastwise trades are all reductions. The changes in the Foreign trade increases the cargo N.O.S.<sup>(1)</sup> rate by 5 cents per ton but at the same time reduces certain of the commodity rates. As these commodity rates embrace the heavy moving items, the net result in this trade is also a reduction.

The Commission's order in Case No. 4090, Decision No. 29171, was made subject to the provision that the rates, rules and regulations set forth therein should apply only at such times and to such degree as they were adopted by the competing public port authorities, as none of the rates and rules set forth therein could, as a practical matter, be adopted by the private terminal operators until they were also adopted by the competing public bodies. The application of the service charges involved herein was specifically subject to their adoption by the Port of Oakland.

The Board of Port Commissioners of the Port of Oakland has notified this Commission, by letter dated December 24, 1936, that the proposed changes in the service charge rates as set forth by the petitioners meets with its approval. The communication from this Port authority further states that these proposed changes have been

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(1) Cargo N.O.S. means cargo not otherwise specified or indicated by name in the tariff.

discussed with the various steamship conferences and steamship operators involved, as well as with the representatives of private terminal interests; that the Board believes they are equitable to all parties concerned; and that the Board is desirous of this Commission favorably acting upon the petition herein.

Representatives of the various steamship trades affected have been notified of the proposed changes and have advised this Commission that they have no objection to the granting of the request of the petitioners. In fact, it appears that the proposed changes arose as a result of requests originating with the steamship lines.

The changes proposed herein appear to be not unreasonable in the light of the rate making factors set forth in the Opinion in Decision No. 29171. It is to be noted that the record in Case No. 4090 was silent as to the economic conditions under which the particular commodities herein concerned moved, as none of the steamship lines introduced any testimony in this matter. The net effect of the changes will be to reduce to some degree the expected revenue which the private terminals will derive from the order in Decision No. 29171. However, as stated above, they have concluded that these rate reductions will be to their own interest.

It is noted that a correction should be made in the footnote to item No. 85 of Appendix "C" (Service Charges) of Decision No. 29171. This item, through error, now carries the same footnote as applied to item No. 84, thus incorrectly excluding certain vessel movements from the payment of dockage charges. The footnote to item No. 85 should be corrected to comply with the Opinion and Order of said Decision No. 29171.

It appears that all of the interested parties of record are in agreement with the changes proposed herein by petitioners; that this is not a matter in which a public hearing is

necessary; and that petitioners' request is reasonable and should be granted, together with the change in the footnote referred to above. The following Order will so provide.

# O R D E R

IT IS HEREBY ORDERED that the service charges shown in Column I of the following tabulation shall replace the service charges prescribed in said Decision No. 29171 and shown in Column II.

## AMENDED SERVICE CHARGES (Rates in Cents per 2,000 pounds, unless otherwise specified)

<u>Column I</u>	<u>: Column II</u>
<u>Proposed by</u>	<u>Prescribed</u>
<u>Petitioners</u>	<u>in Decision</u>
	<u>: No. 29171.</u>

### COASTWISE TRADE - INBOUND:

#### Item No.

1. Cargo N.O.S.

(a) In bulk, ex vessel, direct to barge or car	15	15 (1)
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3. Cereals	30	35
4. Feed	30	35
5. Flour	30	35

6. Lumber:

(b) Handled over uncovered facilities:		
Lumber, Ties, Posts, Bark and Piling, per M.F.B.M.	10	15
Lath, per 60 bundles	10	15
Shingles, per 40 bundles	10	15

10. Pig Lead, ex vessel direct to car	30	35
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#### Add new item:

Pig Lead	35	40 (2)
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- (1) Restricted to barge or open car, except Grain and Oil in bulk (NOTE: the effect of the change is to remove this restriction)
- (2) The Cargo N.O.S. rate of 40¢ on carloads and 60¢ on less-than-carload quantities applies.

Column I.	: Column II
Proposed by	: Prescribed
Petitioners	: in Decision
	: No. 29171.

INTERCOASTAL TRADE - INBOUND:

Item No.

34. Fibreboard, in bundles	40 any quantity	40 with 200-ton Minimum
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Add new items:

Iron and Steel, viz:		
Pipe, wrought iron or steel;		
Plates; Sheets; Structural;		
Bars.	50	60 (1)
Heavy Chemicals, viz:		
Ammoniated Phosphate;		
Cyanamide; Soda Products	50	60 (1)
Slate, crushed in bags	50	60 (1)
Clay, in bags	50	60 (1)
Oyster shells, in bags	50	60 (1)

(1) Cargo, N.O.S. rate of 60 cents applies.  
(Cargo N.O.S. means cargo not otherwise  
specified or indicated by name in tariff).

FOREIGN TRADE - INBOUND:

Item No.

49. Cargo - N.O.S.		
(a) In bulk, ex vessel direct to barge or car	No change	15
(b) Ex vessel direct to barge or open car	No change	32½
(c) Other than described in paragraphs (a) and (b)	60	55
50. Balls, grinding, Iron or Steel, loose	35	40
53. Fertilizers, viz:		
Calcium Nitrate, Nitrogen		
Nitrates, Potash, Sulphate		
of Ammonia	27½	32½

Column I.	: Column II.
Proposed by	: Prescribed
Petitioners	: in Decision
	: No. 29171.

FOREIGN TRADE - INBOUND: (Cont'd)

Item No.

57.	Paper and Paper Products, viz: Eliminate "Newsprint" and "Pulp"	-	32½
58.	Rags	30	32½
<u>Add new Items:</u>			
	Iron and Steel Articles, viz: Pipe, Wrought, Iron or Steel; Plates; Sheets; Structural; Bars	50	55
	Steel, Sheet, in packages, weighing 1000 lbs. each or more	45	55
	Newsprint	30	32½
	Woodpulp	27½	32½
	Peet Moss	55	55 (1)

(1) Cargo N.O.S. rate applies.

CORRECTION TO ITEM NO. 85 OF APPENDIX "C"

Column I.	: Column II.
As	: Prescribed
Corrected	: in Decision
	: No. 29171

TRANS-PACIFIC TRADE - INBOUND:

Item No.

85. Oil, vegetable:

- |     |   |        |        |
|-----|---|--------|--------|
| (a) | In bulk, ex vessel, through<br>pipe line  | 10 (4) | 10 (3) |
| (b) | In bulk, ex vessel direct<br>to barge or car  | 10 (4) | 10 (3) |
| (3) | Applicable only at facilities of the Parr-Richmond Terminal Corporation, Ltd., Richmond.<br>This charge in lieu of dockage charges. |        |        |
| (4) | Applicable only at the facilities of the Parr-Richmond Terminal Corporation, Ltd., Richmond.  |        |        |

(NOTE: The effect of this change is to remove the clause waiving dockage charges, thus permitting such charges to apply).

The Secretary is directed to cause a certified copy of this Opinion and Order to be served by registered mail upon each of the following: El Dorado Terminal Company, Encinal Terminals, Howard Terminal, Parr-Richmond Terminal Corporation, San Francisco Terminals, Standard Coal Company of California (successor to Rhodes-Jamieson, Ltd.) by Joseph J. Burns, Receiver, and State Terminal Company, Ltd.

In all other respects said Decision No. 29171 shall remain in full force and effect.

Dated at San Francisco, California, this 4<sup>th</sup> day of January, 1937.

William W. Warr  
Leon C. Whittell  
Frank R. Devereux  
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Commissioners.