

30641
Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation by
the Commission on its own motion into
the rates, rules, regulations and
practices of carriers engaged in the
transportation of petroleum and petro-
leum products within the State of
California.

Case No. 4079

In the Matter of the Investigation by
the Commission on its own motion into
the rates, rules, regulations and
practices of carriers engaged in the
transportation of refined petroleum
products in tank cars, tank trucks,
tank trailers or tank semi-trailers,
or any combination thereof, in lots of
less than 5800 gallons, within this
State.

Case No. 4191

ORIGINAL

BY THE COMMISSION:

NINTH SUPPLEMENTAL OPINION AND ORDER

By petition filed February 14, 1938, The Tank Truck Opera-
tors Association of California seeks a nunc pro tunc order modifying
prior decisions issued in the above entitled proceedings, as of February
14, 1938, in order that highway carriers might be able to meet inter-
state rates effective on that date for transportation by the Southern
Pacific Company of petroleum and petroleum products from various Cal-
ifornia points to Alturas, Westwood, Litchfield and Susanville, Cali-
fornia.¹ It requests also that the proposed reduced rates be made ap-
plicable as maximum to intermediate points in instances where they
may be lower than the minimum rates heretofore established to such

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Effective February 14, 1938, in Tariff No. 102-E, I.C.C. No. 4430,
11th Revised Page 181-C, 5th Revised Page 181-D, 57th Revised Page
182 and 23rd Revised Page 182-A the Southern Pacific Company estab-
lished reduced rates from Group 1, Group 2, Group 3 and Group 6 points,
as well as from Stockton and Sacramento, to Alturas, Westwood, Litch-
field and Susanville, California.

intermediate points.

It appears that a modification of the established rates is necessary in order to enable intrastate highway carriers to compete with the Southern Pacific Company, which operates to the points involved over an interstate route. However, the competition is not present at intermediate points not situated on the line of the Southern Pacific Company, hence the request to make the reductions effective as maximum at all intermediate points will be denied. The petition sets forth no grounds for requesting that the modification be made effective February 14, 1938, nor does it indicate under what statutory provision the Commission may make its order retroactive. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 30085, dated August 28, 1937, as amended, be and it is hereby further amended as follows:

Substitute the following paragraph for paragraph (3) of the exception contained in Item No. 2 of Appendix "A-1" of Decision No. 30085, as amended, and add it as an exception to Item No. 3 of said Appendix "A-1".

"EXCEPTION - For transportation from and to the points shown in the following table, or points in California intermediate thereto on the line of the Southern Pacific Company between Stacy on the one hand and Westwood and Alturas on the other hand, the minimum rates computed in accordance with this mileage scale shall not exceed the following:

<u>From</u>	<u>To</u>	<u>Rates (in cents per 100 pounds)</u>
Group 1	Westwood	35
	Alturas	39
Group 2	Westwood	35
	Alturas	39
Group 3	Susanville	43
Group 6	Susanville	54
Stockton	Litchfield	33
	Susanville	33
	Alturas	39
Sacramento	Litchfield	29
	Susanville	29

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 30085 as amended shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 17th day of February, 1938.

Wallace L. Ware
Leon Arthur
Francis D. Dineen

Commissioners.