Decision No. 39855



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Establishment of)
retes, rules and regulations for the)
transportation of property by common)
carriers as defined in the Public) Case No. 4246
Utilities Act and highway carriers as)
defined in the Highway Carriers' Act.)

In the Matter of the Establishment of)
rates, rules and regulations for the)
transportation of property by carriers)
as defined in the City Carriers' Act.)

Appearances

Berol and Handler by Edward M. Berol, for petitioner,
Tank Truck Operators Association.
Lloyd R. Guerra, for Cantlay and Tanzola, Inc.
J. L. Amos, Jr., C. W. Burkett, Jr., George T. Hurst,
John E. Hennessy and J. M. Souby, Jr., for various rail lines.
E. L. Hiatt, A. E. Patton, J. D. Rearden and D. G.
Ward, for interested shippers.

SUPPLEMENTAL OPINION

Tank Truck Operators Association seeks an interim increase of 20 per cent but not to exceed 6 cents per 100 pounds in the minimum rates now in effect for the transportation of bulk petroleum and petroleum products by highway and city carriers.

A public hearing was had at San Francisco on December 26, 1946, before Examiner Mulgrew.

There are two scales of minimum rates involved, one applicable to "refined petroleum products" and the other to so-called "black oils." Generally speaking, the refined oil scale is that established by Decision No. 29267 of November 9, 1936, in Case No.

The various commodities in issue are described and classified in Item No. 30 of City Carriers' Tariff No. 5 - Highway Carriers' Tariff No. 6 (Appendix "C" of Decision No. 32608, as amended).

4079 (40 C.R.C. 221). The black oil rates, which are approximately 15 per cent lower than the refined oil rates were prescribed by Decision No. 30085 of August 28, 1937 (unreported) in that proceeding. At the request of the Tank Truck Association rates for distances up to 30 miles were reduced by Decision No. 31468 of November 10, 1938 upon a showing that such action was necessary to permit the for-hire carriers to compete with proprietary operations. Various other modifications not materially affecting the general rate levels have also been made. By Decision No. 32608 of December 5, 1939, as amended, the rates have been promulgated in tariff form.

By petition filed September 6, 1946, the Tank Truck Operators Association alleged that transportation conditions had changed materially since the minimum rates were established and that, in the face of substantially higher operating costs, these rates had become unreasonably low and inadequate. Fetitioner stated that it was informed that the rail lines, like the truck carriers, had experienced higher operating costs and that it therefore believed that the rail rates had also become unreasonably low and inadequate. It asked that the Commission receive evidence and make such modifications of the rates as would be meet and proper. Because petitioner was not ready to proceed to hearing, the matter was held in abeyance.

Decision No. 39785 of December 23, 1946, in Application No. 27446 authorized a general increase in intrastate rail rates. For bulk petroleum and petroleum products, the increase thus authorized was 20 per cent above the rate levels in effect prior to April 1942, subject to a maximum increase of 6 cents per 100 pounds. This action followed the granting of similar authority by the Interstate Commerce Commission by its order of December 5, 1946 in Ex Parte 162, Increased Railway Rates, Fares and Charges, 1946, and in Ex Parte 148, Increased Railway Rates, Fares and Charges, 1942, reopened.

Meanwhile, on December 18, 1946, the Tank Truck Association supplemented its petition so as to seek a corresponding increase in highway and city carrier rates on an interim basis.

A consultant employed by petitioner testified that he had been studying the situation confronting the tank truck operators for some three months. He said that his studies, while not yet complete in all respects, showed that although the sought interim increase would be entirely inadequate for short hauls it is necessary to "save the industry." In support of this conclusion he submitted a cost and rate study contrasting the existing minimum rates on refined petroleum products for various distances with expenses based on current costs and expanded to produce an operating ratio of 93 before provision for income taxes. On this basis increases ranging from 15.75 per cent for 150-mile hauls to 77.33 per cent for 15-mile hauls are indicated as being needed by the carriers.

His figures, the consultant testified, take into consideration both upward and downward trends in costs since the rate levels were established. He furnished various illustrations of these changes, citing as an example wages and other payroll expense which, on an equipment-unit basis, he said, had increased from \$2,315 to \$5,229 per year. On the other hand, higher average pay loads and greater operating speeds, the witness stated, had increased the payload figure from 20 to 23 tons and operating speeds for the longer hauls from 20 to 25 miles per hour with resulting reductions in costs.

The consultant also submitted a statement of revenues and expenses experienced by 21 tank truck operators said to be representative of the carriers engaged in this type of hauling. The statement, which covers operations for the first 6 months of 1946, shows aggregate revenues as \$5,477,333 and expenses as \$5,383,431. Modi-

fied to reflect a 15 per cent wage increase which became effective. August 20, 1946, expenses are shown as \$5,575,203. This modification results in changing the indicated aggregate net profit of \$93,902 to a net loss of \$97,870 and the operating ratio before provision for income taxes from 98.29 to 101.79.

These operating results, the consultant stated, did not reflect the carriers' revenue needs as accurately as his cost estimates. He explained that in the limited time available to prepare the showing it was not possible to segregate intrastate and interstate revenues and expenses or further to modify the carriers' expense figures so as to demonstrate the full effect of increased costs experienced since June 30, 1946. Except in the case of rates for California-Arizona traffic which the witness said were depressed, he claimed that the interstate rates compared favorably with intrastate rates. The carriers, he stated, had withdrawn from the California-Arizona traffic. Many of the carriers, the witness also said, had been charging rates higher than the minimum rates and had refused short hauls and other unattractive shipments during the period studied. The time available for preparation of the study assertedly did not permit the adjustment of revenues so that it would disclose the operating results which would have obtained had the minimum rates been uniformly observed.

The vice-president and manager of one of the larger carriers testified that the increased expenses which had been incurred since January 1, 1946, included substantial increases in the cost of equipment, materials and supplies. Examples of these higher costs taken from a study he offered are a 20 per cent increase in the price of trucks in October, increases of 8.6 per cent in May and 10 per cent in December in the cost of cargo tanks for trucks, increases amounting to 36.8 per cent in the cost of diesel oil, and

two increases in the price of truck batteries, 10 per cent in June and 20 per cent in October.

Another study prepared by this witness discloses that labor expense which in 1944 amounted to 10.9 cents per mile had increased to 14.1 cents in 1946. In 1944, the study shows 39.5 per cent of the company's revenue was required to meet labor costs; in 1946, 51.8 per cent of revenue was needed for this purpose. On a vehicle-mile basis, the company's operating cost increased from 22.9 to 28.1 cents in the same period. Revenue per vehicle-mile of 27.5 cents in 1944 was 27.2 cents in 1946. The company's operating results from January 1, 1944 to October 31, 1946 are shown in the following tabulation:

•	Revenues	Expenses	OperatingIncome	Net Income*
1944	\$1,417,540	\$1,182,878	\$234,662	\$115,173
1945	1,412,193	1,400,279	11,914	(<u>18,424</u>)
1946 (10 months)	1,011,492	1,046,858	(35,366)	(<u>41,995</u>)
	()- In	dicates loss	•	/ · ·

[&]quot;-- Net income as shown in the study results from "making allowance for other income and deductions and income tax."

Operating ratios which were calculated by the witness only before provision for income taxes were indicated as being 83.4 for 1944, 99.1 for 1945 and 103.5 for the ten months of 1946. Revenues were said to have been those produced by the minimum rate structure, the witness explaining that his company observed the minimum rates as its actual or "going" rates.

The consultant and the carrier witness said that the operators' revenue deficiencies were most pronounced in the short-haul traffic but that, while it had been planned to charge higher rates than those here proposed for that hauling, the lesser increases here sought would be satisfactory as a temporary adjustment.

One of the Commission's senior engineers testified that he had collected considerable data for a report on the cost of transporting bulk petroleum and petroleum products. He stated that in connection with this study he had determined that drivers' wages was the most important element of labor expense and that the wage rate for drivers had increased from \$.57 per man per hour in 1936 when cost figures were submitted in the proceeding which led to the establishment of the existing minimum rate level to the \$1.38; per man per hour wage rate which now prevails. The witness estimated that this increase alone amounted to a 24.75 per cent increase in total expenses. Prices of equipment, repair parts and materials, he said, increased from 20 to 25 per cent from 1936 to 1945. For insurance he estimated the increase as 20 per cent.

On the other hand, the engineer testified that over-all fuel expense had decreased because practically all of the trucks and tractors now used by the operators were now equipped with diesel engines. Improved efficiency of the carriers, greater carrying capacity and speed of their equipment and highway improvements, the witness also said, were factors requiring consideration but which were difficult to evaluate. From the information at hand he concluded that since the present rate levels were established costs had increased within a range of from 15 to 25 per cent. He agreed with petitioner's witnesses that from a cost standpoint

greater increases were indicated for short than for long hauls.

Witnesses employed by substantial shippers of bulk petroleum and petroleum products testified that it was distinctly advantageous for their concerns to be able to know in advance the rates under which transportation would be available to them and to their competitors. They said that for sales purposes it was necessary that they know the exact rate at which shipments would be handled, that they had been required to pay highway and city carriers higher rates than the minimum rates and had absorbed the resulting higher charges, and that bargaining for rates when the minimum rate scale was not being generally observed was highly undesirable from the shippers' standpoint.

The carrier witnesses pointed out that parity of truck and rail rates had been effected following the issuance of Decision No. 29257, supra, in 1936, and had thereafter generally been maintained. They asserted that the restoration of this parity, destroyed by the recent rail rate increase, was desirable and necessary. Indeed, they characterized the situation which they predicted would develop under varying rail and truck rates as "chaotic" and "unhealthy." The shipper witnesses agreed that rail and truck rate parity should be restored by interim rate adjustment in the event the Commission finds that the increases in the truck rates involved are necessary to meet the truck lines' revenue requirements.

No one opposed the proposed interim rate increases.

The record demonstrates that the highway and city carriers of bulk petroleum and petroleum products have experienced sharp increases in their aggregate operating costs. It appears from the showing made that under the conditions now prevailing the minimum rates are not sufficient to meet the carriers' revenue

requirements. The increased minimum rates proposed by petitioner appear justified for the transportation involved because of higher operating costs and other changed conditions and circumstances disclosed by this record. The petition will be granted.

This is an interim adjustment. The resulting-rates will be subject to review upon completion of further studies. The action here taken is without prejudice to the conclusions which may be reached upon further consideration of rates for the transportation in question in the light of such additional information as may be disclosed by further investigation in the matter.

ORDER

Based upon the evidence of record and the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that Decision No. 32508, as amended, in the above entitled proceedings, be and it is hereby further amended by substituting in City Carriers' Tariff No. 5 - Highway Carriers' Tariff No. 6 (Appendix "C" of said Decision No. 32608, as amended), to become effective February 1, 1947, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Second Revised Page 10 Cancels First Revised Page 10 First Revised Page 13 Cancels Original Page 13 First Revised Page 14 Cancels Original Page 14 First Revised Page 15 Cancels Original Page 15 Second Revised Page 17 Cancels First Revised Page 17 Second Revised Page 18 Cancels First Revised Page 18

In all other respects the aforesaid Decision No. 32608, as amended, shall remain in full force and effect.

The effective date of this order shall be ten (10) days from the date hereof.

Dated at San Francisco, California, this 13 day of January, 1947.

Justus 3. Carenes.

Corrissioners

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First Revised Page10

CITY CARRIERS' TARIFF NO. 5 HIGHWAY CARRIERS' TARIFF NO. 6

ltem	SECTION NO. 1 RULES AND REGULATIONS (Continued)
No.	
;	STOPFING IN TRANSIT
SO-A Cancols SO	Shipments shall be subject to an additional charge of \$5.40 for each stop in transit to partially unload. Charges will be collected on the weight of the entire shipment from point of origin to the highest rated point of delivery.
	FUMFING
100-B	Rates provided in this tariff do not include pumping service when rendered with carrier's equipment. When pumping service is performed by the carrier, a charge of \$.50 of one cent per 100 pounds will be made. (See Exception.)
Cancels 100-A	EXCEPTION.—When pumping is performed in connection with the transportation of petroleum crude oil under Column B rates provided in Item No. 210 series, or under rate provided in Item No. 230 series, a charge of .45 of one cent per 100 pounds will be made.
	ALTERNATIVE APPLICATION OF COMMON CARRIER RATES
llO-A Cancels	Common carrier rates may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation from the same point of origin to the same point of destination than results from the application of the rates herein provided. (See Note 1.) NOTE 1.—When the common carrier rate used is subject to minimum
2-12-40	weight different from the minimum weight determined in accordance with the provisions of Item No. 20 series, the lesser minimum weight may be observed.
	ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES
	When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:
120-A Cancels 120	(a) When point of origin is located beyond railhead or an established depot and point of destination is located at railhead or an established depot, add to the common carrier rate applying from any team track or established depot to point of destination the rate provided in this tariff for the distance from point of origin to the team track of depot from which the common carrier rate used applies. (See Notes 1 and 2.)
2-12-40	(b) When point of origin is located at railhead or an established depot and point of destination is located beyond railhead or an established depot, add to the common carrier rate applying from point of origin to any team track or established depot the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1 and 2.)

(c) When both point of origin and point of cestination are located beyond railhead or an established depot, add to the common carrier rate applying between any railheads or established depots the rate provided in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1 and 2.)

NOTE 1.-If the route from point of origin to the team track or the established depot, or from the team track or established depot to point of destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 5 miles or less, or rates established for transportation by carriers as defined in the City Carriers' Act (Chapter 312, Statutes of 1935, as amended), whichever are the lower, shall apply from point of origin to team track or established depot or from team track or established depot to point of destination as the case may be.

NOTE 2.-When the common carrier rate used is subject to minimum weight different from the minimum weight determined in accordance with the provisions of Item No. 80 series, the lesser minimum weight may be observed in connection with such common carrier rate.

* Increase, Decision No. 39855

EFFECTIVE FEBRUARY 1, 1947

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Correction No. 13

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CITY CARRIERS' TARIFF NO. 5 HIGHWAY CARRIERS. TARIFF NO. 6

Item No-		SECTION NO.	2			RA!	TES per 100 p	omga
	Rates in this item will not apply to transportation for which rates are specifically provided in other items in this section. COLUMN 1 - Rates apply on "Refined Petroleum Products" as described in Item No. 30 series. COLUMN 2 - Rates apply on "Black Cils" as described in Item No. 30 series. See Item No. 40 series for application of rates from or to points in Territorial Groups.							scribed in
	M	ILES	RAT	es :	MI	les		RATES
	Over	But not over	Column 1	Column 2	Cver	But not over	Column	Column 2
	0 5 10 15 20	5 10 15 20 25	314 314 314 44 4-3/4	3 3 44 4-3/4	220 225 240 245 260	225 240 245 260 280	34 35 36½ 37 39	29 29 32 32 34
A 200 A	25 30 35 40 45	30 35 40 45 50	6 7 8,7 82 9	56 52 7 8	290 285 300 305 320	285 300 305 320 325	41 413 43 44 45	36 36 38 38 38 40
©200-A Cancels 200	50 60 70 80 90	60 70 80 90 100	10 11 13 14 16	51 92 11 12 13	325 340 360 365 380	340 360 365 380 385	46 48 50 50 52	40 41 44 44 46
	100 105 120 125 140	105 120 125 140 145	17 18 20 21 23	16 16 18 18 20	385 400 405 420 440	400 405 420 440 445	53 54 55 55 57 59	46 473 4733 494 512
	145 160 165	160 165 180	24 26 26	20 22 22	445 460 465	460 465 480	59 1 61 62	513 533 533 533
	200	200 205 220	29 31 32	25 27 27	480 485 500	485 500 	63 6 64 	551 554 (Note 1)
	Note 1 For distances over 500 miles add to rate for 500 miles 2% cents per 100 pounds for each 25 miles or fraction thereof.							

Americase, Decision No. 39855

EFFECTIVE FEBRUARY 1, 1947

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CITY CARRIERS' TARIFF NO. 5
HICHWAY CARRIERS' TARIFF NO.6

Item No.	SE	xtion no. :	2	.]	RATES (Continu per 100	led)) pounds	·
	Colu fa Colu	mm "A" rate cilitics de mm "B" rate cilitics pe	IL as describes apply only onet permit only ermit deliver	for trans delivery 2 for trans y 24 hours	portation of the portat	n where per day on where	consigne	
				BETWEEN	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
210 - A	AND	6-A	ő - B	Sub-Group 6-C	_	6 - E	6-F	6 - G
ancels 210		Column A 3	column A 3	Column A B	Column	column A B	Column B	Column A B
	Sub-Group 6-A 6-B 6-C 6-D 6-E 6-F 6-G Group 13	(1) 3 2 3 3 3 3 3 4 4 4 4 4 4 4 4 4 4 4 4 4	(1) 41, 35, 41, 35, 41, 37, 41, 37, 41, 37, 41, 41, 37, 41, 41, 37, 41, 41, 37, 41, 41, 41, 41, 41, 41, 41, 41, 41, 41,	(1) 51, 21, 42, 21, 41, 3 3 2, 4-3/4 33	(1) (1) (2) (3) (4) (3) (4) (3) (4) (3) (4) (3) (4) (3) (4) (3) (4) (4) (3) (4) (4) (4) (5) (6) (6) (7) (7) (7) (8) (8) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	(1) 25 3 25 3 25 3 25 3 25 3 25 3 25 3 25	(1) 4\(\frac{1}{4}\) 3 4-3/4 3	- - - - (1) 4-3/4
		the rate sh	sation between the series per 100	nts per 10	O pounds	for Co	lumn "A"	
	§ Incro	ase, Docis	ion No. 39	855	-			
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CITY CARRIERS' TARIFF NO. 5 HIGHWAY CARRIERS' TARIFF NO. 6

-			HIGHWAY CARRIERS' TARIFF NO. 6
Item No.		SECTION NO. 2	RATES (Concluded) in Cents per 100 pounds
	(Applics SUB-GROUP NUMBER	DESCRIPTION OF GROUP 6 SUB- only in connection with rates ma BOUNDARIES	
l i	WORLDS R	Dr Ownward and	
	6 - A		northern boundary of Group 6 (see by La Brea Avenue, on the south est by the Pacific Ocean.
	6 - B		rial Highway, on the east by Compton Boulevard, Redondo Boach Torrance Boulevard, and on the
220 1-14-40	6-C	Bounded on the north by Comp Los Alamitos Boulevard, on the s on the west by the Los Angeles R	
	6 - D	Bounded on the north by Gard by Huntington Beach Boulevard, a Pacific Ocean.	en Grove Boulevard, on the east nd on the south and west by the
	6 - E	Item No. 50 series) and the Monteastern city limits of Whittier west to Los Alamitos Boulevard, west to the Los Angeles River, non a line to the junction of Ninon Ninth Street to the Los Angele	north to Rosecrans Boulevard, orth to Slauson Avenue, thence th Street and Downey Road, west
	6 - F	Bounded by the northern bound series) and by Sub-Groups 6-A, 6	dary of Group 6 (see Item No. 50 -B, 6-E and 6-C.
	6 - G	Bounded on the north by Comp the erst by the Los Angeles Rive the Pacific Ocean.	ton Boulevard and Group 6-B, on r, and on the south and west by

	COMMODITY	FROM	то	RATE
230-A Cancels 230	Petroleum Crude Oil as described in Item No. 30 series	Canoga Park (Los Angeles Zone 2, see Note 1)	Group 6	<u>4</u> }
	Refined Potroleum	BETWEEN		
∳ 240-A	Products as de- scribed in Item No. 30 series	Points within one Terr or Points within incorpo	•	37
Cancels 240	Black Cils as de- scribed in Item No. 30 peries	(See Note 2)		(1) 3

Increase, Decision No. 39855.

- (1) Will not apply to transportation for which rates are specifically provided in Item No. 210 series.
- Note 1. For description of Los Angeles Zone 2 see Item No. 30 series of Distance Table No. 3 (Appendix "A" of Decision No. 31605 dated December 27, 1938, as amended or as may be amended, in Case No. 4246.)

Note 2. - Will not apply between points within the City of Los Angeles. See Item No. 40 series for description of numbered Territorial Groups.

Effective February 1, 1947

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Correction No. 16

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First Revised Page17

CITY CARRIERS' TARIFF NO. 5 HIGHWAY CARRIERS' TARIFF NO. 6

Item No.	SECTION NO. 3	In	RATES cents per 100 po	unds
	Rates in this item approt subject to intermediate to destinate routes shown in Item 18 See Item No. 40 series Groups.	ediate application nation points named Vo. 320 series.	except at unname in this item vi	d points a rail
	COMMODITY	FROM	TO	RATE
		Croups 1 and 2 Stockton	Alturas	45 45
		Croup 3		48
		Group 4		51
		Croup 6		59
∮ 300 - B	Refined Fetroleum Products as describ-	Group 11		52
Cancels 300-A	ed in Item No. 30 series	Sacramento West Sacramento		32
		South Vallejo Stockton		35
		Croups 1 and 2	Пеstwood	41
		Group 6	Calexico Calipatria El Centro	34
		San Diego Fuller Holtville Niland Westmoreland		24
		San Diego	Colorado	24

Mincrease, Decision No. 39855

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CITY CARRIERS' TARIFF NO. 5 HIGHWAY CARRIERS' TARIFF NO. 6

Item No.	SECTION NO. 3			(Continued per 100 p	
	subject to int mediate to des shown in Item	item apply only from ermediate application tination points named No. 320 scries. O series for descript	except at unner in this item	amed point: via rail r	s inter- outes
	See 1,0em No. 2,	O Series for Gescript	Lon of numbered		
	CCMA:CDITY	FROM	TC		Column B
		Groups 1 and 2 Groups 3.4.5 and 11 Lyoth Sacramento Stockton Tracy	Alturas	36 7.1 36	36 41 36
	COLUMN "A"	San Diego	Calexico Calipatria El Centro Fuller Holtville Niland Westmoreland	17	17
310-B	Rates apply		Colorado	24	
Cancels	on:	Group 6	Jacumba Hot	23	23
310-A	Crude Oil, Fuel Oil,	San Diego	Sprinss	12	
	Gas Oil,	Croups 1 and 2 Croups 3,4 and 11			35
	as described in Item No. 30 series.	Lyoth Sacramento Stockton Tracy	Madeline		35
	COLUMN "E"	Groups 1 and 2			
	Rates apply	Croups 3,4 and 11			34 38
	on: Asphalt.	Lyoth Sacramento Stockton Tracy	Ravendale		34
		Groups 1 and 2		35	30
		Groups 3 and 4		40	36
		Group 5		400	36
		Group 11		40	36
		Lyoth	Susanville	35	30
		Sacramento West Sacramento		27	27
		Stockton	}	34	30
		Tracy		35	30
		Croups 1 and 2		.==	31
		Groups 3,4 and 11			37
		Lyoth Sacramento Stockton Tracy	Viewland		31 .
•	Increase, Decisio	n ro. 39855		•	
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