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Decision No. 41146

BEFORE THE FUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into the rates, rules, regulations, charges, allowances and practices of all common carriers, highway carriers and city carriers relating to the transportation of property.

Case No. 4808 08101141

· <u>Appearances</u>

Edward M. Berol, for petitioner.
John L. Amos, Jr., John E. Hennessy, George T. Hurst, and J. M. Souby, Jr., for various rail lines.
H. L. Gunnison, A. D. Carleton, D. G. Ward, W. H. Adams, E. L. Hiatt, J. D. Rearden and Robert Hutcherson, for interested shippers.

SUPPLEMENTAL OPINION

By petition the Tank Truck Operators Association requests establishment of minimum rates, rules and regulations for the transportation of liquefied petroleum gases in tank truck equipment by radial highway common, highway contract and city carriers.

This matter was heard at San Francisco before Examiner Edwin Lake.

Liquefied petroleum gas is the product of certain combinations of hydrocarbons. They are variously known as butane, propane, iso-butane or butane-propane mixtures. Most of the gases are composed largely of propane, iso-butane and normal butane together with small amounts of ethane, pentane and heavier hydrocarbons, the percentage of each depending upon the gas from which they are obtained, the equipment used for recovery and the purpose

They are also sometimes referred to as L P Gases.

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for which the gas is to be used. The main source of supply of these gases is the crude oil gases secured from oil and natural gas wells. They are also secured from certain processes in oil refining and in the recycling of natural gas.

L P Gas can be either in a gaseous state or in a liquid form depending upon the pressure, temperature or volume of the gas. When handled under relatively low pressure and at normal temperature it is in liquid form. As such it is similar to gasoline in the manner in which it is transported, stored and measured.

The Association seeks minimum rates based upon 150 pcr cent of the rates established for the same transportation of refined petroleum and petroleum products. The weight of the gases is to be computed upon a weight of 4.4 pounds per gallon. In addition they seek a charge of \$1.50 for each $\frac{1}{2}$ hour or fraction thereof in excess of 2 hours for the time consumed in loading and unloading the carriers' equipment.

Minimum rates, rules and regulations for the transportation of petroleum and petroleum products other than liquefied petroleum gas, in tank vehicles are contained in City Carriers' Tariff No. 5 -

Highway Carriers' Tariff No. 6. There are two scales of rates established. One applicable to "refined products" and the other to socalled "black oils". The weight of the refined products is computed upon the basis of 5.6 pounds per gallon. The black oils are subject to rates of approximately 85 per cent of the refined oil rates and a weight of 7.75 pounds per gallon.

² When released at atmospheric pressure at relatively low temperatures these commodities vaporize and become gases. In this form they are similar in characteristics to natural gas.

Effective January 15, 1948 by Decision No. 41027 of December 17, 1947, in Cases Nos. 4246 and 4434, the charges resulting from these rates were increased by a surcharge of 10 per cent.

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A consulting engineer employed by the Association testified that the gases most commonly transported in tank truck equipment consist of straight shipments of propane, normal butane, iso-butane and commercial butane. He stated that the weight per gallon of the various hydrocarbon gases varied depending upon the formula of the mixture. At 70° Fahrenheit they range from 3.2 for ethane to 4.8 pounds for normal butane. The witness recommended that the average weight of commercial butane of 4.4 pounds per gallon be used as the estimated weight for all gases involved.

In support of the volume of the sought rates the witness introduced a study comparing the cost of transporting butane and propane with the cost of transporting gasoline. His study included a development of the specification and operating costs of petroleum tank vehicles; a depreciation table for the various types of equipment used in the transportation of gasoline, butane and propane; cost of insurance; and general overhead and administrative expenses. Based upon a use factor of 3463 hours per year and a load factor of 22.98 tons, 18.45 tons and 16.11 tons for gasoline, butane and propane, respectively, the witness developed the relationship between the costs of transporting the different commodities.

Conmercial butane is composed of 40 per cent propane and 60 per cent normal butane for summer use. These percentages are reversed for winter use.

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The weight of 4.4 pounds per gallon for the gases is related by 150 per cent to the estimated weight of 6.6 pounds per gallon established for gasoline. This, according to the witness, was a contributing factor in arriving at the sought basis of 150 per cent of the established gasoline rates.

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The load factors were based, according to the witness, upon 76,000 pounds gross weight capacity of the train of vehicles, less the tare weight of the trucks, trailers, tanks, fittings and pipes.

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The costs so developed (adjusted for an operating ratio of 93 before provisions of income taxes) for the transportation of butane are generally less than 150 per cent of the developed cost for gasoline. In all instances the propane costs exceed 150 per cent of the gasoline costs. The average costs developed for butane and propane exceed in most instances the proposed rates.

Comparisons of the developed costs for transporting butane, propane and gasoline, the minimum rates for refined products and the proposed rates are set forth in the following tabulation:

(1) IN CENTS FER 100 POUNDS

Length of haul <u>Milos</u> 15 20 30	Minimum <u>Rates</u> 3.5 4.25 6	150 per cent Minimum <u>Rates</u> 5.25 6.38 9.00	Gasoline Full Cost and Profit 5.45 6.21 7.80	Butane Full Cost <u>and Profit</u> 8.19 9.17 11.23	Propane Full Cost and Profit 9.51 10.66 13.04	Average Full Cost and profit for Butane and <u>Propane</u> 8.85 9.92 12.14
40	8	12.00	9-49	13.42	15.59 17.80	14.51 16.57
50	9	13.50	10.95	15.33	27.48	25.59
100	16	24.00	17.64	23.70		
150	24	36.00	23.69	31.71	36.79	34.25
200	29	43.50	30.43	40.40	46.90	43.65
250	37	55.50	37.22	49.11	57.00	53.06
300	41.5	62.25	43.90	57.87	67.12	62.50
350	48	70.00	50.72	66.62	77.20	71.91

(1) The freight charges, resulting from these rates are subject to a surcharge of 10 per cent. The costs shown did not include the increases that are represented by the 10 per cent surcharge.

According to the witness the departures in the costs of transporting L P Gas as compared with the cost of transporting gasoline are occasioned largely because the equipment necessary to handle the gases must be of such strength as to withstand the vapor pressure which will result from the maximum atmospheric temperatures that may be encountered. Consequently, the tare weight of the equipment is

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greater and the net carrying capacity is less than that necessary for the transportation of gasoline. In addition the engineer stated that since loading and unloading of the gases is performed under pressure the time to perform such services is greater. He pointed out that because of the dangerous nature of the commodities substantially greater costs were experienced in insurance rates.

The witness also represented that the developed costs were designed to show only the relationship between the two types of commodities; and that to the extent certain factors were incorrect they would be improper for each of the commodities. Such instances, if any, he stated, would not change the relationship between the costs found by the study.

The Association's engineer also submitted a study designed to show the average cost of transporting propane and butane determined upon the assumption that the carrier is entitled to the same revenues for a shipment of L P Gas as it enjoys for a shipment of gasoline. Using the costs developed for the transportation of a maximum load of 76,000 pounds of gasoline adjusted to reflect

7 The record shows the average time to load and unload equipment to be as follows: Gasoline L P Gas 1 hr. 1 hr. 41 min. 1 hr. 20 min. 2 hrs. 19 min.

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Other costs the witness said were slightly lower or substantially the same as those of gasoline. For example, no differences were found to exist in the running costs or overhead expenses. the lower load factor and the additional loading and unloading time experienced in the handling of the gases he developed that 150 per cent of the gasoline rates were necessary to return approximately the same revenue for liquefied petroleum gas as would result from a shipment of gasoline.

In support of the proposed charge of 1.50 per $\frac{1}{2}$ hour or fraction thereof for detention of equipment a carrier witness testified that in his opinion 2 hours was a sufficient time to allow for each of these services. The proposed charges, he stated, were in the nature of a penalty charge and were designed solely for the purpose of discouraging shippers and consignees from unnecessarily detaining equipment.

A witness for a principal shipper of bulk petroleum products introduced an exhibit showing that the sales of liquefied petroleum gas in the United States had increased over 500 per cent during a 6 years' period ending in December, 1946. The witness stated that the increase in sales nationally was typical of California and that it was due primarily to the increased use of the gases for home heating, industrial fuel purposes and gas enriching. He stated that the establishment of minimum rates for liquefied petroleum gas would have a tendency to stabilize transportation conditions of these commodities, would remove to a large extent, the necessity of bargaining with carriers for their services and would be highly desirable for competitive reasons and from a sales standpoint.

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Two other shipper witnesses corroborated and supported the testimony of this witness. No one opposed the establishment or the volume of the proposed rates.

The record shows that it is desirable and necessary that minimum rates be established for the transportation of bulk liquefied petroleum gases. Similarly it has been demonstrated that the proposed rates are just and reasonable minimum rates. They will be prescribed.

It is not clear, however, that the free time proposed for the detention of equipment is reasonable for the services of unloading. According to petitioner's witness the time of 1 hour and 20 minutes and 2 hours and 19 minutes for loading and unloading respectively, was used in the development of costs to support the proposed rates. A greater free time period for unloading carrier's equipment than that proposed by the witness will give more adequate recognition to the cost and value of the service and at the same time will assist in preventing unnecessary detention of the equipment by shippers and consignees. An appropriate free time period for these services will, therefore, be incorporated in the order.

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. 32608, 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 March 1, 1948, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

> First Revised Page 2 cancels Original Page 2 First Revised Page 7 cancels Original Page 7 Second Revised Page 9 cancels First Revised Page 9 First Revised Page 11 cancels Original Page 11 Second Revised Page 13 cancels First Revised Page 13 Second Revised Page 15 cancels First Revised Page 15 Third Revised Page 17 cancels Second Revised Page 17.

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 twenty (20) days from the date hereof.

Dated at San Francisco, California, this 1914 day of January, 1948.

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

Rates - Section 2 Section 3 Rules and Regulations: Alternative Application of Combination with Common Carrier Rates Alternative Application of Common Carrier Rates Application of Tariff - Commodities Application of Tariff - General	19 15 3-4 -14-1 -18-1 10 10 7 6 9 9 6 11
Alternative Application of Combination with Common Carrier Rates Alternative Application of Common Carrier Rates Application of Tariff - Commodities Application of Tariff - General Application of Tariff - Territorial Groups Computation of Charges - Estimated Weights Computation of Distances Definition of Technical Terms *Demurrage or Detention Charges Diverted Shipments and Returned Shipments Minimum Weight Pumping Stopping in Transit Technical Terms, Definition of	10 7 8-9 9 9 6 11
Application of Tariff - Commodities Application of Tariff - General Application of Tariff - Territorial Groups Computation of Charges - Estimated Weights Computation of Distances Definition of Technical Terms *Demurrate or Detention Charges Diverted Shipments and Returned Shipments Minimum Weight Pumping Stopping in Transit Technical Terms, Definition of * Change, Decision No.	7 6 8-9 9 9 6 11
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* Change, Decision No. 41146	
EFFECTIVE MARCH 1, 1948	
Issued by the Public Utilities Commission of the State of Califor San Francisco, Califor	

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Item No.	SECTION NO. 1 RULES AND REGULATIONS - Continued							
	APPLICATION OF TARIFF - COMMODITIES Rates in this tariff apply on Petroleum or Petroleum Products, in- cluding Compounded Oils or Greases having a Petroleum Base (See Note 1),							
	viz .: *Liquefied Petroleum Gas. Rates making specific reference to "Refined Petroleum Products" as des-							
*30-A Canceis 30	cribed in this item apply on: Absorption Oil, Harness Oil, Petroleum Jelly, Belt Oil, Leather Oil, Petrolina or Vase- Benzine, Lubricating Oil, line (See Note 2), Blended Casolines Miners' Oil Petroleum Fatty Acid (See Note 3), Miners' Oil Stock, or Naphthenic Acid, Compression Oil, Naphtha, Putty Oil, Cordage Oil, Naphtha Distillate, Refined Oil, illumi- Floor Oil, Neatsfoot Oil, nating or burning, Casoline, Natural, Specified (See Note 2), Tanners' Oil, Casoline, not otherwise Paraffine Wax, Tobacco Oil, Specified, Petrolatum or Petrolatum Wax, not otherwise Grease, Axle, Preparations, including specified,							
	Grease, not otherwise Cosmoline, Densoline, Wax Tailings, specified, Litholine, Wool Oil. Rates making specific reference to "Black Oils" as described in this item apply on: Asphalt, Fuel Oil, residual and/or dis- Crude Oil in its natural state, or tillate, not suitable for Crude Oil which has been subjected illuminating purposes (See only to natural weathering, settling Note 4), or treatment for the removal of Gas Oil, water and bottom sediment, and not Road Oil.							
	NOTE 1The term "having a Petroleum Base" as used in this item, means the principal ingredient of such compounded oils or greases must be Petroleum.							
	NOTE 2Rates in this tariff will not apply on Petroleum Oil, not otherwise specified, Petrolatum or Petrolatum Preparations, prepared and represented as a remedy, medicine or lubricant for the human body.							
	NOTE 3The term "Blended Gasolines" as used in this item covers motor fuel containing 50 per cent or more of gasoline.							
	NOTE 4The term "Fuel Oil" as used in this item does not include petroleum products having a flash point below 110 degrees Fahrenheit (Tagliabue closed cup) or which have 95 per cent distillation points below 464 degrees Fahrenheit.							
	* Change, Decision No. 41146							
	EFFECTIVE MARCH 1, 1948							
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Correctio	on No. 20							

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Item No.	SECTION NO. 1 RULES AND REGULATIONS (Continued)
]	APPLICATION OF TARIFF - TERRITORIAL GROUPS (Concluded)
50	Group 6 as described in Item No. 40 series does not include points situated within that portion of the city of Los Angeles lying north of the following boundary line: Starting at the Pacific Ocean and the projected line of Sunset Boulevard, easterly along said projected line and Sunset Boulevard to the western city limits of Boverly Hills northerly, casterly and southerly along the city limits of Boverly Hills to Doheny Road, easterly along Doheny Road to Sunset Boulevard, casterly along Sunset Boulevard to Fairfax Avenue, northerly along Fairfax Avenue to Hollywood Boulevard, casterly along Hollywood Boulevard to Sierra Bonita Avenue, northerly along Sierra Bonita Avenue to Franklin Avenue, easterly along Franklin Avenue to Vermont Avenue, south on Vermont Avenue to Sunset Boulevard, southeasterly on Sunset Boulevard to Fountain Avenue, easterly along Fountain Avenue to Hyperion Avenue, northeasterly along Hyperion Avenue to Clendale Boulevard, southerly along Clendale Boulevard to Faiverside Drive, southeasterly along Fletcher Drive to Casitas Avenue, northerly along Casitas Avenue to Tyburn Avenue, easterly along Tyburn Avenue to San Fernando Road, northerly along San Fernando Road to Rosslyn Street, southeasterly on the northeasterly line of the Union Pacific right of way to Marguerite Street, north- easterly on Marguerito Street to West Avenue 32, southeasterly line of the Union Pacific right of way to Marguerite Street, north- easterly along Street, southeasterly on Edwards Avenue to the Union Pacific right of way to Maccon Street, easterly along Macon Street to Isabel Street, southeasterly along Macon Street, southeasterly along Amabel Street to North Figueroa Street, northeasterly along Griffin Avenue to North Broadway, easterly along North Broadway to Mission Road, southwesterly along Mission Road to Valley Boulevard, casterly along Valley Boulevard to Marianna Avenue, southersterly along Macon
	COMPUTATION OF DISTANCES
60	Distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route, computed in accordance with the method provided in Decision No. 31605, dated December 27, 1938, in Case No. 4088, Part "N", Case No. 4145 and Case No. 4246, as amended, or as may be amended, subject to the follow- ing exception: EXCEPTIONDistances between points situated within that portion of the City of Los Angeles lying north of the boundary line described in Item No. 50 series shall be the constructive distance from point of origin to point of destination.
	COMPUTATION OF CHARGES - ESTIMATED WEIGHTS
+70-B Cancels 70-A	 (a) The weight of commodities described under heading "Refined Petroleum Products" in Item No. 30 series shall be computed upon the basis of 6.6 pounds per gallon. (b) The weight of commodities described under heading "Black Oils" in Item No. 30 series shall be computed upon the basis of 7.75 pounds per gallon, except that the weight of asphalt and road oil shall be actual weight. * (c) The weight of Liquefied Petroleum Gas shall be computed upon the basis of 4.4 pounds per gallon.

	MINIMUM CHARCE						
	The minimum charge for shipments in tank trucks, tank trailers, tank semi-trailers, or in any combination of such vehicles, shall be computed upon the full legal carrying capacity of the tank or tanks, subject to Notes 1 and 2.						
80-A Cancels 80	NOTE 1In no event shall the transportation charges on ship- ments of commoaities other than asphalt and road oil be less than those applicable upon shipments of 3,000 gallons.						
	NOTE 2In no event shall the transportation charges on ship- ments of asphalt and road oil be less than those applicable upon shipments of 23,250 pounds.						
	* Change, Decision No. 41146						
	EFFECTIVE MARCH 1, 1948						
Correct	Issued by the Public Utilities Commission of the State of California, San Francisco, California. ion No. 21						

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

Item No.	SECTION NO. 1 RULES AND REGULATIONS (Concluded)
	DIVERTED SHIPMENTS AND RETURNED SHIPMENTS
130	(a) Charges upon shipments diverted at request of consignor or con- signee shall be assessed upon the basis of the charge established for the mileage applicable via the point or points where diversion occurs. (See Exception.)
	EXCEPTIONIf point of diversion is situated on direct rail route between point of origin and point of destination, charges shall be assessed upon the basis of the charge established for direct movement from point of origin to point of destination.
	(b) Charges upon shipments returned to point of origin, or to a point situated on the shortest resulting highway route or on a direct rail route between point or origin and original destination (or point of diversion) shall be assessed for the entire trip upon the basis of 150 per cent of the charge established for the outbound movement, or upon the basis established in paragraph (a) of this item, whichever is lower.
	DEMURRACE OR DETENTION CHARGES (Applies only in connection with transportation of Liquefied
	Petroleum Gas)
*170	(a) A charge of \$1.50 for each one-half (1/2) hour, or fraction thereof, shall be assessed for the time carrier's equipment is de- tained through no fault of the carrier to complete loading or unload- ing in excess of the free time specified in paragraph (b).
dded	(b) Free time shall commence when carrier's equipment is ready for loading or unloading. Two(2) hours free time shall be allowed fo loading and three (3) hours free time shall be allowed for unloading.
	* Change, Decision No. 41146
	EFFECTIVE MARCH 1, 1948
i	Issued by the Public Utilities Commission of the State of California, Son Francisco, California.

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

SECTION NO. 2						RATES In cents per 100 pounds.				
 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 Oils" as described in Item No. 30 series COLUMN 3-Rates apply on Liquefied Petroleum Gas. See Item No. 40 series for application of rates from or to points in Territorial Groups. 										
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CITY CARRIERS' TARIFF NO. 5 HICHWAY CARRIERS' TARIFF NO. 6

Item No.	SEC	NO.	2	RATES (Concluded) In cents per 100 Pounds						
	DESCRIPTION OF GROUP 6 SUB-GROUPS (Applies only in connection with rates making specific reference hereto)									
	SUE-GROUP NUMBERS BOUNDARIES									
220	6-A	Bounded on the north by the northern boundary of Group 6 (see Item No. 50 series), on the east by La Brea Avenue, on the south by Imperial Highway and on the west by the Pacific Ocean.								
	6-B	Vermont Beach B	Bounded on the north by Imperial Highway, on the east by Vermont Avenue, on the south by Compton Boulevard, Redondo Beach Boulevard, Hawthorne Avenue and Torrance Boulevard, and on the west by the Pacific Ocean.							
	6-0	Los Ala	Bounded on the north by Compton Boulevard, on the east by Los Alamitos Boulevard, on the south by the Pacific Ocean and on the west by the Los Angeles River.							
	6-D	6-D Bounded on the north by Garden Grove Boulevard, on the east by Huntington Beach Boulevard, and on the south and west by the Pacific Ocean.								
	6-E	6-E Bounded on the north by the northern boundary of Group 6 (see Item No. 50 series) and the Montebello Hills, on the east by the eastern city limits of Whittier due south to Artesia Boulevard, west to Los Alamitos Boulevard, north to Rosecrans Boulevard, west to the Los Angeles River, north to Slauson Avenue, thence on a line to the junction of Ninth Street and Downey Road, west on Ninth Street to the Los Angeles River, north to the junction of Mission Road and Macy Street, northeast on Mission Road to the northern boundary of Group 6.								
	6-F	Bounded by the northern boundary of Group 6 (see Item No. 50 series) and by Sub-Groups 6-A, 6-B, 6-E and 6-G.								
	6-G Bounded on the north by Compton Boulevard and Group 6-B, on the east by the Los Angeles River, and on the south and west by the Facific Ocean.									
	COMMODITY	<u></u>	FROM	TO	RATE					
230-A Cancels	Petroleum (as descrit		Canoga Park (Los Angeles Zone 2	, Group 6	44					
230	Item No.30		see Note 1)) 						
*240-B	Refined Pet Products a		BET							
Cancels	cribed in No. 30 ser	Itcm	Points within one Territorial Group							
	Black Oils	the second s		-						
	cribed in Itom No. 30 series		Foints within incorporated cities (See Note 2)							
	*Liquelied Petro-									
	leum Gas	um Gas 5 1 banke, Decision No. 41146								
1	1) Will not provided NOTE 1For Distance 1 December 2 NOTE 2Will	apply to in Item descript: Table No. 27, 1938, 1 not app.	No. 210 series. No. 210 series. ion of Los Angeles Z 3 (Appendix "A" of 1 as amended or as ma ly between points wi	which rates are speci one 2 see Item No. 30 Decision No. 31605 dat y be amended, in Case thin the City of Los A	series of ed No. 4246.) ngeles.					
	See Itom No.	<u>40 seri</u>	es for description o	f numbered Territorial	Groups.					

EFFECTIVE MARCH 1, 1948

Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 24

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Third Revised Page17 Cancels Second Revised Page ...17

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Item No.	SECTION NO. 3		RA: In cents j	TES per 100	pounds				
	Rates in this item apply only from railhead to railhead and are not subject to intermediate application except at unnamed points inter- mediate to destination points named in this item via rail routes shown in Item No. 320 series. See Item No. 40 series for description of numbered Territorial Groups.								
	COMMODITY	FROM	TO	RATES Column 1 *Column2					
*300-C Cancels		Groups 1 and 2 Stockton	Alturas	45 45	67 2 67 2				
3C0-B	Refined Petroleum Products	Group 3		48	72				
	as described in Item No. 30 series	Group 4		31	762				
	Column 1.	Group 6		59	38-2				
	Liquefied Petroleum Gas	Group 11	Susanville	52	78				
		Sacramento West Sacramento		32	48				
		South Vallejo Stockton	-	39	58호				
		Groups 1 and 2	Westwood	41	61.2				
		Croup 6	Calexico Calipatria El Centro Fuller	34	51				
		San Diego	Holtville Niland Westmoreland	24	36				
		San Diego	Colorado	24	36				
	* Change, Decision No.	San Diego	COLORAD	24	00				
 				<u>-</u>					
_		EFFECTIVE	MARCH 1, 1948	5 					
Is	ssucd by the Public Utilities	Commission of th	c State of Ca	lifornia	······································				
	ction No. 25	San	Francisco, Cal	lliornia	•				