

Decision No. 51737

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Lamb Transportation Company, a corporation, for authority to transport petroleum coke in bulk from Torrance to Wilmington, California, at less than the established minimum rates.	)	Application No. 33222 (Third Supplemental)
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THIRD SUPPLEMENTAL OPINION AND ORDER

Lamb Transportation Company, a corporation, holds a highway contract carrier permit. By prior orders Lora Lamb, C. Jerry Lamb, Jr., Colin J. Boone and Albert F. Cruse, a predecessor partnership, were authorized to observe rates less than the minimum rates otherwise applicable to the transportation of petroleum coke from Torrance to Wilmington. The authorized rates are 41.92 cents per ton for the first 300,000 tons in any 12-month period and 38.77 cents for each ton in excess of 300,000 tons. This authority is scheduled to expire July 31, 1955. By this supplemental application, filed July 8, 1955, the corporation seeks an extension of the authority for a further one-year period. It proposes, however, to increase the rates to 43.76 and 40.51 cents, respectively.

The supplemental application states that, except for increased operating costs, the conditions which justified deviation from the minimum rates still obtain. It also shows that the proposed increase in the authorized rates will offset the higher operating costs and that the operations under the sought rates may reasonably be expected to be profitable during the ensuing year.

In the circumstances it appears, and the Commission finds, that the proposed rates are reasonable. This is a matter in which a

public hearing is not necessary. The supplemental application will be granted. To prevent a lapse of applicant's authority, the order will be made effective on July 31, 1955. The special rate authority herein sought and granted is not applicable to common carrier services.<sup>1</sup> Applicant holds a radial highway common carrier permit as well as the highway contract carrier permit. Section 3542 of the Public Utilities Code forbids carriers to operate both as a common carrier and as a highway contract carrier of the same commodities between the same points. The authority hereinafter granted will contain necessary restrictions to avoid conflict with the statutory prohibitions.

Therefore, good cause appearing,

IT IS HEREBY ORDERED:

(1) That Decision No. 47416 of June 30, 1952, as amended in this proceeding, be and it is hereby further amended by substituting "Lamb Transportation Company, a corporation," for "Lora Lamb, C. Jerry Lamb, Jr., Colin J. Boone and Albert F. Cruse," "43.76 cents" for "41.92 cents" and "40.51 cents" for "38.77 cents" in the order thereof; and that the expiration date of the authority granted by said Decision No. 47416, as further amended herein, be and it is hereby extended to July 31, 1956, unless sooner changed or further extended by order of the Commission.

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<sup>1</sup> Section 3666 of the Public Utilities Code reads as follows:

"If any highway carrier other than a common carrier desires to perform any transportation or accessorial service at a lesser rate than the minimum established rates, the commission shall, upon finding that the proposed rate is reasonable, authorize the lesser rate."

(2) That any transportation performed by applicant as a common carrier of the same commodities between the same points shall be cause for revocation of the authority herein granted.

This order shall become effective on July 31, 1955.

Dated at San Francisco, California, this 26<sup>th</sup> day of July, 1955.

James F. Cullen  
President  
Paul L. Lintner  
Mark D. W. W.  
R. Hardy  
Commissioners