

**ORIGINAL**

Decision No. 53989

BEFORE THE PUBLIC 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 petroleum and petroleum products in )  
bulk (commodities for which rates are )  
provided in Minimum Rate Tariff No. 6). )

Case No. 5436  
(Petition No. 12)  
(2nd Supplemental )

INTERIM SUPPLEMENTAL OPINION AND ORDER

Petitioner, Pacific Truck Service, Inc., is a highway common carrier of bulk petroleum and petroleum products. Prior orders in this proceeding have authorized it to publish a rate which is lower than the established minimum rate for the transportation of fuel oil from Shell Point to Avon and Martinez and points within one mile of Martinez; and from Martinez to points within one mile thereof.<sup>1</sup> The reduced rate is scheduled to expire November 19, 1956. Permission is sought to continue to observe the rate lower than the minimum rate for the transportation in question. Petitioner proposes, however, to increase the authorized rate from 4 cents to 5 $\frac{1}{4}$  cents per 100 pounds.

The petition states that, except for increased costs, the conditions which justified establishment of the reduced rate still obtain; and that the higher costs will be offset by the proposed increases in the rate. Petitioner asserts that operations under the sought rate may reasonably be expected to be profitable during the ensuing year.

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<sup>1</sup> Shell Point is situated in Contra Costa County approximately 3 miles west of Pittsburg.

Minimum rates established by this Commission may not exceed the current rates of common carriers by land (Public Utilities Code, Sec. 3663). Accordingly, reduced rates authorized for and published by the petitioner herein become the minimum rates for all carriers. There is now in issue in other pending proceedings the question whether, or under what circumstances, minimum rates between specified points should thus be established or adjusted upon the particular experience of a single carrier.<sup>2</sup> That question is also involved in the instant proceeding.

Moreover, the petition contains no factual evidence in support of the continuance of the less than minimum rate, nor evidence to show that the proposed increase in the rate is justified within the meaning of Section 454 of the Public Utilities Code.

Continuation of the present rate will be authorized for a ninety-day period. In the meantime, the petition will be set for hearing in order to allow petitioner to present further justification. Also, in order that appropriate revision may then be made of the minimum rate tariff, should the evidence warrant, Case No. 5436 will be scheduled for hearing on a common record with the supplemental petition.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Pacific Truck Service, Inc., be and it is hereby authorized, on not less than five days' notice to the Commission and to the public, to publish, to expire February 17, 1957, a rate of 4 cents per 100 pounds applicable to

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Case No. 5438 (Pet. No. 12) - George C. Smith, Jr., doing business as Smith Transportation Co.; Case No. 5432 (Pet. No. 32) - Winans Bros. Trucking Co.; and Application No. 34010 (Third Supplemental)-Lester J. and John H. Geijsbeek, doing business as Geijsbeek Truckers.

the transportation of petroleum fuel oil in tank trucks from Shell Point to Avon; from Shell Point to Martinez and points within one mile of Martinez; and from Martinez to points within one mile thereof.

This order shall become effective ten days after the date hereof.

Dated at San Francisco, California, this 30<sup>th</sup> day of October, 1956.

*John E. ...* President  
*Paul ...*  
*...*  
*...*  
Commissioners