

ORIGINAL

Decision No. 58086

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 for Modification No.12)
 (Third Supplemental)
 and
 (Order Setting Hearing dated
 October 30, 1956)

J. C. Kaspar, A. D. Poe and J. X. Quintrall,
 for California Trucking Associations, Inc.,
 petitioner.
E. M. Berol of Berol and Silver, and
A. T. Smith, for Pacific Truck Service, Inc.,
 respondent.
Robert J. Carberry, for the Commission staff.

OPINION ON REHEARING

Decision No. 56164 of January 28, 1958, in this proceeding, authorized Pacific Truck Service, Inc., a highway common carrier, to continue in its tariff a certain reduced rate for the transportation of petroleum fuel oil in tank trucks. The decision also amended Minimum Rate Tariff No. 6 by incorporating therein the same rate.

California Trucking Associations, Inc., filed a petition for rehearing on February 5, 1958, with respect to that portion of the decision which established the rate in Minimum Rate Tariff No. 6. The rate in question published in Minimum Rate Tariff No. 6 was suspended by Decision No. 56236, dated February 17, 1958. By order dated March 17, 1958, rehearing was granted.

Rehearing was held before Examiner William E. Turpen on November 10, 1958, at San Francisco.

In its petition for rehearing, the California Trucking Associations, Inc., pointed out that an Order Setting Hearing was issued October 30, 1956, to provide for a hearing to determine if the rate authorized Pacific Truck Service as a result of Second Supplemental Petition No. 12 should be incorporated into Minimum Rate Tariff No. 6. A further extension of the rate authorized pursuant to Petition No. 12 was granted by Decision No. 54472, dated February 5, 1957. The Order Setting Hearing was left open. Following the filing of Third Supplemental Petition No. 12, seeking further extension of the reduced rate, Decision No. 56164 was issued ex parte. In this decision a finding was made that the proposed rate is a just, reasonable and nondiscriminatory minimum rate for the transportation of petroleum fuel oil in tank trucks between the points involved.

The Association contended in its petition that this finding is not supported by any evidence and that interested parties had no opportunity to present evidence or argument concerning the question of incorporating the rate into the minimum rate tariff.

At the rehearing the Director of Research for the California Trucking Associations, Inc., argued that the reduced rate authorized for Pacific Truck Service was based on the particular experiences of that one carrier for a particular service under the circumstances existing in that service, and that there is no evidence that the authorized rate is reasonable as a minimum rate for all carriers. He stated that it is discriminatory to attempt to fix specific minimum rates based on the experience of a single carrier. He further said that if a program is started to publish every common carrier rate in the minimum rate tariffs that have been found reasonable by the Commission it will result in a huge task at great expense and with little real value to the carriers or to the public. The director said that the California Trucking Associations, Inc., wholeheartedly objects to the publication of this type of rate in the minimum rate tariffs.

No one appeared in support of the policy of publishing this type of common carrier rate in the minimum rate tariffs.

From the record made at the rehearing it clearly appears that publication in the minimum rate tariffs of rates authorized common carriers that are lower than the otherwise applicable minimum rates would not be in the public interest. While we recognize the fact that any radial highway common carrier or contract carrier may observe such lower rate when published in a common carrier's tariff, generally such rate is of interest to only a relatively few persons. The so-called alternative application provisions of the various minimum rate tariffs have satisfactorily served for many years as a means for permit carriers to use published common carrier rates. It is conceivable that, if every time the Commission finds a common carrier rate to be reasonable and that rate is then added to the appropriate minimum rate tariff, the Commission's tariffs will become a hodge-podge of specialized rates, each of interest to but a few shippers and carriers. Accordingly, it is our opinion that the rate in question, now under suspension, should be canceled.

As the rate authority granted by Decision No. 56164 to Pacific Truck Service, Inc., and published in its own tariff was not at issue in this rehearing, that portion of the order in Decision No. 56164 which granted the Third Supplemental Petition for Modification No. 12 in Case No. 5436 will be reaffirmed.

ORDER ON REHEARING

Based on the record made on rehearing and on the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED:

(1) That the first ordering paragraph of Decision No. 56164, in this proceeding, be and it is hereby reaffirmed.

(2) That Minimum Rate Tariff No. 6 (Appendix "C" of Decision No. 32608, as amended) be and it is hereby further amended by incorporating therein, to become effective May 1, 1959, Supplement No. 9 and Ninth Revised Page 16, which supplement and revised page are attached hereto and by this reference made a part hereof.

(3) In all other respects Decision No. 32608, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of March, 1959.

E. J. Fox
President

Theodore J. Rivera
Everett M. Page
Commissioners

Commissioner Matthew J. Dooley being necessarily absent, did not participate in the disposition of this proceeding.

SUPPLEMENT NO. 9
(Cancels Supplements Nos. 7 and 8)
(Supplement No. 9 Contains All Changes)

TO

MINIMUM RATE TARIFF NO. 6

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF PETROLEUM AND

PETROLEUM PRODUCTS

(AS DESCRIBED HEREIN)

When Transported in Bulk in Tank Trucks, Tank
Trailers or Tank Semi-Trailers Over the Public
Highways Within the State of California

By PETROLEUM CONTRACT CARRIERS
and CITY CARRIERS

Decision No. 58086

EFFECTIVE MAY 1, 1959

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MINIMUM RATE TARIFF NO. 6

Item No.	SECTION NO. 2		RATES (Continued)
			In Cents per 100 Pounds
	(1) COMMODITY	BETWEEN	RATE
	Refined Petroleum Products and Black Oils	Points within one Territorial Group or Points within one incorporated city	5 1/2
	Crude Oil		(2) 3 1/2
	Liquefied Petroleum Gas	(See Notes 2, 3, 4 and 5.)	6
	Asphalt and Road Oil		7 3/4

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- (1) See Item No. 30 for description of commodities.
 (2) Will not apply to transportation for which rates are specifically provided in Item No. 210.

NOTE 2.-Will not apply between points situated within that portion of the City of Los Angeles lying north of the northern boundary line of Group 6, as described in Item No. 43; nor between such points on the one hand and points situated within that portion of the City of Los Angeles lying south of said boundary line on the other.

NOTE 3.-See Items Nos. 41 through 45, inclusive, for description of numbered Territorial Groups.

NOTE 4.-Will not apply to transportation performed under provisions of Item No. 130. (Shipments diverted, returned, or stopped in transit for partial unloading.)

NOTE 5.-Will not apply to transportation of black oils, as described in Item No. 30, from Chrisman to points located within the territory described in Note 1 of Item No. 46.

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Item canceled. Was suspended by Supplement No. 8.

* Change, Decision No. 58086

EFFECTIVE MAY 1, 1959

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.

Correction No. 185