

**ORIGINAL**Decision No. 62563

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 PACIFIC SOUTHCOAST FREIGHT BUREAU )  
 for authority under Section 460 of )  
 the California Public Utilities Code )  
 to establish nonintermediate rates )  
 on bulk cement in 5-car lots from )  
 northern California cement origins )  
 to Eureka. )

Application No. 43613  
 (Filed July 19, 1961)

OPINION AND ORDER

By Decision No. 60074, dated May 9, 1960, in Application No. 42117, Pacific Southcoast Freight Bureau was authorized to establish certain non-intermediate rates on bulk cement, in five-car lots, from northern California cement origins to Eureka. Concurrently with the exercise of that authority, applicant established certain single-car intermediate rates on cement, in bulk and in sacks between the same points. On February 27, 1961, pursuant to authority granted by Decision No. 61440, dated February 7, 1961, in Application No. 42837,<sup>1/</sup> applicant, on behalf of the railroad corporations parties to it, increased those rates by  $\frac{1}{2}$  cent per 100 pounds. By this application, authority is sought to restore the rates to the former levels; in other words, reduce the present rates by  $\frac{1}{2}$  cent per 100 pounds.

The authority granted in Decision No. 60074 was based upon a showing of competition from a truck-barge operation from Permanente to Eureka. Applicant alleged that in all rate adjustments pertaining to cement, the cement mills consistently

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<sup>1/</sup> So-called Ex Parte 225 increases.

insist that a rate adjustment from one mill must include related adjustments from all other mills in the same area in order to maintain competitive relationships in the marketing of cement. Accordingly, applicant adjusted rates from other cement origins as well as from Permanente.

The application recites that the facts and circumstances relating to competition from truck-barge operations still obtain and are the reasons for their request for authority to restore the former rates.

Notice of the proposed rates was made in accordance with the Commission's procedural rules. No one has opposed the granting of the authority sought.

A full investigation of the facts and circumstances surrounding this transportation was made by the Commission in proceedings in said Application No. 42117. After careful consideration we find that this is a special case within the meaning of Section 460 of the Public Utilities Code; that applicant, on behalf of the common carriers parties to it, should be authorized to establish rates less for a longer than for a shorter distance for the transportation of bulk cement in 5-car lots from Permanente, San Leandro, Kentucky House, Redwood City and Davenport to Eureka over the route of Southern Pacific Company from origin to Schellville and thence Northwestern Pacific Railroad Company to Eureka, subject to the limitations and conditions which will be prescribed in the order that follows; and, that a public hearing is not necessary; therefore,

IT IS ORDERED:

1. That Pacific Southcoast Freight Bureau is authorized to establish the rates for the transportation of cement in bulk in

lots of five cars or more when shipped on one calendar day, from one consignor to one consignee, on one bill of lading, as more particularly set forth in its application filed in this proceeding, provided that concurrently therewith applicant establishes rates on single-car movements as more particularly set forth in said application.

2. That, other than as expressly provided for, the authority granted herein does not waive any of the requirements of Tariff Circular No. 2 relative to the construction and filing of tariff publications and further, that unless exercised within sixty days after the effective date of this order, the authority granted herein shall expire.

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

Dated at San Francisco, California, this 12th day of SEPTEMBER, 1961.

*Charles R. ...*  
 President

*S. ...*

*George H. Grover*

*Fredrick B. Hallock*  
 Commissioners