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Decision No. \_\_\_\_\_

**ORIGINAL**

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 ) (Case No. 5436  
carriers, and city carriers relat- ) (Petition for Modification  
ing to the transportation of ) (No. 58)  
petroleum and petroleum products in ) (Filed September 10, 1963)  
bulk (commodities for which rates )  
are provided in Minimum Rate )  
Tariff No. 6). )

OPINION AND ORDER

By Decision No. 64474 dated October 30, 1962, Acme Transportation, Inc., a corporation, operating as a highway common carrier, was authorized to publish and file a rate of 8½ cents per 100 pounds, subject to certain conditions including a minimum of 20,000,000 pounds during a 12-month period, for the transportation of fuel oil from Richmond to Du Pont.<sup>1</sup> This rate is lower than the established minimum rate and is published to expire with November 19, 1963. By this petition, authority is sought to continue to maintain the currently authorized rate for an additional one-year period and to make the tariff publication effective on five days' notice.

Petitioner alleges that the conditions which justified the current authority continue to exist; the rate presently in effect is proper and adequate for application to this traffic; the presently authorized rate is reasonable; and such rate has produced adequate and reasonable earnings. Petitioner further alleges that the continuation of the existing rate beyond the present expiration

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<sup>1</sup>

Du Pont is about two miles east of the easterly city limits of Antioch. It is the location of a plant of E. I. Du Pont de Nemours & Company, which plant is served by rail spur track.

date is required and the continued availability of such transportation to petitioner is dependent upon the availability of such rate to the shipper, E. I. Du Pont de Nemours & Company. Based upon its experience in the performance of this transportation, petitioner asserts it is satisfied that the rate which is proposed herein is and will be compensatory for the ensuing year.

The petition shows that a copy thereof was served on the California Trucking Association, Western Motor Tariff Bureau, Inc., and Pacific Southcoast Freight Bureau on or about September 9, 1963. No objection to the granting of the petition has been received.

The rate herein in issue was found by the Commission to be reasonable and justified by transportation conditions upon the basis of evidence received at a public hearing on September 7, 1962. The evidence showed that the operation herein involved is an unusually efficient one. Loading may be performed at the carrier's convenience at any hour of the day or night, seven days per week; and unloading time is about half the normal time for bulk fuel oil inasmuch as the Du Pont Company has installed unusually large pipe and fittings in connection with storage facilities at its plant (Decision No. 64474, supra).

In the circumstances, it appears, and the Commission finds, that the proposed rate is reasonable and justified by transportation conditions. A public hearing is not necessary. The petition will be granted.

In view of the expiration date of the current authority the order which follows will be made effective on the date hereof.

Good cause appearing,

IT IS ORDERED that:

1. Acme Transportation, Inc., is hereby authorized to publish and file, to expire with November 19, 1964, a rate of

8½ cents per 100 pounds for the transportation of fuel oil from Richmond to Du Pont, subject to the following conditions:

- (a) The weight of the shipment shall be computed at 7.75 pounds per gallon.
- (b) The consignor and consignee shall make their premises available to enable carrier to perform service on a 24-hour basis.
- (c) A minimum of 20,000,000 pounds must be tendered to carrier during a 12-month period.
- (d) Rate shall not be subject to an allowance for delivery after hours as provided in Item 115 of Western Motor Tariff Bureau, Inc., Tariff No. 3-D.

2. The tariff publications authorized to be made as a result of the order herein may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and the public.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 12<sup>th</sup> day of November, 1963.

William M. Duns  
President  
John E. Mitchell  
Robert W. [unclear]  
George H. [unclear]  
Fredrick B. [unclear]  
Commissioners