

Decision No. 66878

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Consolidated Freightways)	
Corporation of Delaware, a corporation,)	
for authority to depart from the rates,)	Application No. 46106
rules and regulations of Minimum Rate )	(Filed January 16, 1964)
Tariff No. 2 under the provisions of )	
the Highway Carriers Act. )	

OPINION AND ORDER

Consolidated Freightways Corporation of Delaware holds radial highway common carrier, highway contract carrier and city carrier permits. It also holds certificates to operate as a highway common carrier and as a petroleum irregular route carrier between points not involved in this proceeding.

By Decision No. 65037 dated March 6, 1963, in Application No. 45125, applicant was authorized to transport petroleum coke, in bulk, from Torrance to Wilmington for the Great Lakes Carbon Corporation at less than the established minimum rate but not less than 57 cents per ton for the first 220,000 tons and 51 cents per ton for each ton in excess of 220,000 tons. The current authority is scheduled to expire with March 16, 1964.

By this application, applicant seeks an extension of the above authority for a further one-year period. Applicant also seeks authority to increase the rates currently authorized to 60 cents per

ton for the first 220,000 tons, and 56.7 cents per ton for each ton in excess of 220,000 tons transported during the ensuing twelve-month period.<sup>1</sup>

Applicant states that the circumstances which heretofore justified the current deviation continue to exist. A cost study attached to the application indicates that the average mileage and tonnage figures for this operation have remained relatively constant, and that increases in costs have occurred for wages, licenses, and vehicle repairs and service. The proposed rates take into account the increases in these costs.

Applicant alleges that its experience indicates the proposed rates to be reasonable and fully compensatory in view of the volume and extraordinary vehicle-use factor involved. It further alleges that the operation has proved to be mutually satisfactory and beneficial to the shipper and itself and that both parties desire an extension of the present authority at the proposed rates.

The verified application shows that a copy thereof was served on the California Trucking Association on or about January 15, 1964. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed rates are reasonable for the transportation involved. A public hearing is not necessary. The application will be granted.

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No authority for an increase in the rates is required from this Commission as applicant, insofar as this proceeding is concerned, performs the service as a permitted carrier for which only minimum rates have been established. Authority to continue the deviation from the minimum rate tariff after March 16, 1964, is required, however, inasmuch as the proposed rates are below the minimum rate otherwise applicable.

IT IS ORDERED that:

1. Consolidated Freightways Corporation of Delaware, a corporation, is hereby authorized to transport petroleum coke, in bulk, from Torrance to Wilmington for the Great Lakes Carbon Corporation at less than the established minimum rate but not less than 60 cents per ton for the first 220,000 tons and 56.7 cents per ton for each ton in excess of 220,000 tons transported during the twelve-month period from March 16, 1964, to March 16, 1965.

2. The authority granted herein shall, on and after March 16, 1964, supersede the authority granted by Decision No. 65037, and shall expire with March 16, 1965.

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

Dated at San Francisco, California, this 25th day of February, 1964.

William La Bunde  
President  
Ed Hatch  
Conrad W. Page  
George E. Trover  
Fredrick B. Habbloff  
Commissioners