

ORIGINAL

Decision No. 68828

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of BALSER TRUCK)
CO., a corporation, for a)
certificate of public convenience)
and necessity to operate as a)
highway common carrier of)
property within the State of)
California between the points)
and places herein designated.)

Application No. 36464

Application of BULK FREIGHTWAYS,)
a corporation, and a highway carrier)
other than a highway common carrier,)
to perform transportation and acces-)
sorial services in the movement of)
phosphate of soda, NOIBN, in bulk,)
from South Gate to Long Beach, at)
rates less than the established)
minimum rates.)

Application No. 47269

OPINION AND ORDER

Bulk Freightways holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 66829 dated February 18, 1964, in Application No. 45970, it was authorized to assess a rate less than the applicable minimum rate for the transportation of phosphate of soda, in bulk, for Procter & Gamble Manufacturing Company from South Gate to Long Beach. This authority expired with March 15, 1965. By Application No. 47269 filed January 19, 1965, authority is sought to assess the same less-than-minimum rate for the transportation involved for one additional year.

On July 28, 1964, the Commission restricted the radial highway common and highway contract carrier permits of Bulk Freightways by prohibiting it from providing transportation also covered

by the highway common carrier operating authority of its affiliate, Balsler Truck Co. The latter carrier has requested that its certificate of public convenience and necessity be restricted by prohibiting the transportation thereunder of phosphate of soda, NOIBN, from South Gate to Long Beach. The request, if granted, would eliminate any question pertaining to the alter ego relationship of the aforementioned carriers for the transportation herein involved.

Bulk Freightways alleges that its operations under this authority have not changed in any material respect since the date it filed Application No. 45970 with the Commission and that the evidence presented at the public hearing in that proceeding is relevant and applicable at the present time. Based on its experience in performing this service, Bulk Freightways states that a fair return on its investment will be realized under the proposed rate for the transportation involved.

The certificate of service shows that a copy of Application No. 47269 was mailed to California Trucking Association on January 15, 1965. No objection to the granting of this application has been received.

The rate herein in issue was found by the Commission to be reasonable upon the basis of evidence received at a public hearing on January 7, 1964. The evidence showed that special bulk silo equipment was constructed at the shipper's Ardine Street plant to accommodate the loading of phosphate of soda in pneumatic hopper truck equipment and that loading and unloading facilities are available to applicant any time during the day. The Commission's records show that Balsler Truck Co. does not possess the necessary bulk carrying equipment required for this type of haul.

In the circumstances, it appears, and the Commission finds, that the proposed rate is reasonable for the transportation involved and the requested restriction in the aforementioned certificate of public convenience and necessity would not be adverse to the public interest. A public hearing is not necessary. The sought authorities should be granted. Inasmuch as the authority granted by Decision No. 66829, supra, has expired, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. Bulk Freightways, a corporation, is authorized to assess a rate less than the minimum rate otherwise applicable for the transportation of phosphate of soda, NOIEN, for Procter & Gamble Manufacturing Company, but not less than the rate set forth in and subject to the conditions specified in Appendix A attached hereto and by this reference made a part hereof.

2. The authority granted in Ordering Paragraph 1 hereof shall expire one year after the effective date of this order unless sooner canceled, modified or extended by order of the Commission.

3. The certificate of public convenience and necessity granted to Balser Truck Co., a corporation, by Decision No. 56820, as heretofore amended, is further amended by incorporating in Appendix A of that decision Second Revised Page 1, attached hereto, in revision of First Revised Page 1.

4. Balser Truck Co., a corporation, shall amend its tariffs on file with the Commission to reflect the change in its operative right authorized by Ordering Paragraph 3 hereof on not less than five days' notice to the Commission and to the public.

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

Dated at San Francisco, California, this 30th day of March, 1965.

Fredrick B. Hildebrandt
President
George J. Hoover
William M. Starnick
Commissioners

APPENDIX A TO DECISION NO. 68828

BULK FREIGHTWAYS, a corporation, is authorized to transport phosphate of soda, NOIBN, in bulk, in pneumatic hopper trucking equipment for Procter & Gamble Manufacturing Company, as follows:

From: Stauffer Chemical Company, 4570 Ardine Street, South Gate.

To: Procter & Gamble Manufacturing Company, 1601 West Seventh Street, Long Beach.

Rate: 7 cents per 100 pounds, minimum weight 50,000 pounds per load.

Demurrage: (1) Loading time shall be computed from the arrival of the vehicle at point of origin until completion of loading.

(2) Unloading time shall be computed from arrival of the vehicle at point of destination until completion of unloading.

(3) Time in excess of one hour for loading or one hour for unloading shall be subject to a charge of \$6.50 per hour. Fractions of an hour shall be determined in accordance with the following table:

Less than 8 minutes	- omit
8 minutes, but less than 23 minutes	- 1/4 hour
23 minutes, but less than 38 minutes	- 1/2 hour
38 minutes, but less than 53 minutes	- 3/4 hour
53 minutes or more	- 1 hour

In all other respects, the transportation in question shall be subject to the provisions of Minimum Rate Tariff No. 2.

(End of Appendix A)

- (A) Balser Truck Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport the commodities hereinafter set forth in paragraph (B) between all points and places as follows:
- (1) From, to and between all points and places in the Los Angeles Drayage Area as described in Appendix "B" attached hereto.
 - (2) Between all points and places in the Los Angeles Drayage Area, as described in Appendix "B", on the one hand, and the following cities, on the other hand: Wilmington, South Gate, Long Beach and Trona.
- (B) Balser Truck Co. is authorized to transport the following commodities:
- (1) ACIDS, VIZ.:
Acetic, glacial or liquid
Phosphoric
Sulphuric
 - (2) CHEMICALS, as listed under that heading in Items Nos. 21980 through 26620 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof. (See Exception.)
 - (3) FEED, ANIMAL OR POULTRY, as listed under that heading in Items Nos. 37030 through 37691 of Western Classification No. 76, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof.
 - (4) MISCELLANEOUS COMMODITIES, VIZ.:
Carboys
Fittings, pipe, iron or steel
Flour, grain
Shellac
Soap
- EXCEPTION: Balser Truck Co. shall not transport phosphate of soda, NOIBN, in bulk, from South Gate to Long Beach.

End of Appendix A

Issued by the California Public Utilities Commission.

Decision No. 68828 Application No. 36464.