

ORIGINAL

Decision No. 69858

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-A).)

Case No. 5436
Petition for Modification
No. 72
(Filed September 27, 1965)

OPINION AND ORDER

By Decision No. 68127 dated October 27, 1964, 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 tender of 20,000,000 pounds during a 12-month period, for the transportation of fuel oil from Richmond to Du Pont.¹ This rate is lower than the established minimum rate and is published to expire with November 19, 1965. 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 granting of the current authority continue to exist; the currently authorized rate is proper and adequate for application to this traffic; and such rate has produced adequate and reasonable earnings.

Based upon its experience in the performance of this transportation, petitioner avers that the proposed rate is and will be compensatory. It is asserted that the continued availability of this traffic is important to petitioner and is dependent upon the availability of the proposed rate to the shipper, E. I. du Pont de Nemours & Company.

¹Du 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.

Revenue and expense data submitted by petitioner indicate that the transportation involved has been profitable and reasonably may be expected to be profitable for the ensuing year.

The certificate of service shows that a copy of the petition was mailed to California Trucking Association, Western Motor Tariff Bureau, Inc., and Pacific Southcoast Freight Bureau on September 27, 1965. The petition was listed on the Commission's Daily Calendar of September 29, 1965. No objection to the granting of the petition has been received.

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. We conclude that the petition should be granted.

In view of the impending expiration date of the current authority, the order which follows will be made effective November 9, 1965.

IT IS ORDERED that:

1. Acme Transportation, Inc., is hereby authorized to publish and file, to expire with November 19, 1966, a rate of $8\frac{1}{2}$ 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., Agent, Tariff No. 3-D.

2. 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 of this order on not less than five days' notice to the Commission and the public.

The effective date of this order shall be November 9, 1965.

Dated at San Francisco, California, this 7th day of October, 1965.

Frederick B. Polshoff
President
Robert E. Mitchell
George E. Hoover
Augustus
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.