

ORIGINALDecision No. 73272

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 transporta-)
 tion 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. 82
 (Filed August 30, 1967)

OPINION AND ORDER

By Decision No. 71360, dated October 4, 1966, Acme Transportation, Inc., a corporation, operating as a highway common carrier, was authorized to publish and file a rate of 8-1/2 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, 1967. By this petition, authority is sought to continue to maintain a rate lower than the minimum rate for an additional one-year period, but to increase the rate to 9-1/4 cents per 100 pounds, 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

^{1/} 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.

currently authorized rate has produced adequate and reasonable earnings, but increased labor expense and running cost require the proposed increase in the rate. 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.

Revenue and expense data, and a cost study, 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 August 29, 1967. The petition was listed on the Commission's Daily Calendar of August 31, 1967. 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, and that the increase is justified. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Acme Transportation, Inc., is hereby authorized to publish and file, to expire with November 19, 1968, a rate of 9-1/4 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 50 of Western Motor Tariff Bureau, Inc., Agent, Tariff No. 18.

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 the date hereof.

Dated at San Francisco, California, this 27th day of OCTOBER, 1967.

Carl E. Blalock
President

William L. Burnett

Augusta

David P. Manser
Commissioners

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