

**ORIGINAL**

Decision No. 75228

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 )  
WESTERN TRANSPORT SERVICE, a cor- )  
poration, for an order authorizing )  
departure from the rates, rules )  
and regulations of Minimum Rate )  
Tariff No. 2 pursuant to the )  
provisions of Section 3666 of )  
the Public Utilities Code for )  
the Transportation of Coke )  
from Shell Point, California. )

Application No. 50719  
(Filed November 29, 1968)

OPINION AND ORDER

Western Transport Service, a corporation, operates as a highway contract carrier. By Decision No. 73590 dated January 9, 1968, in Application No. 49762, it was authorized to deviate from the Commission's minimum rates by transporting (1) coke in bulk in bins from Shell Point to Modesto for F.M.C. Corporation (F.M.C.) at a rate of 27 cents per 100 pounds, minimum weight 50,000 pounds,<sup>1</sup> and (2) empty bins returning from Modesto to Shell Point without charge. The current authority is scheduled to expire with January 29, 1969. By this application a one-year extension of the authority is sought.

Applicant alleges that the full bins are loaded by the shipper at Shell Point with forklifts and unloaded by F.M.C. at Modesto with forklifts and that the empty bins are immediately loaded on its equipment for return to Shell Point. Applicant avers

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<sup>1</sup> The authority required that the 27-cent rate be increased in the same amount and effective at the same time or times as the Commission would increase the Class D (currently Class 35.3) rate applicable under the provisions of Minimum Rate Tariff No. 2 from Shell Point to Modesto. This rate was increased to 28 cents effective April 27, 1968.

that the entire round trip from its terminal at Concord to Modesto via Shell Point and return to Concord via Shell Point is made in from 6½ to 7½ hours and that there are no unusual delays at either Shell Point or Modesto. Applicant asserts that it will lose this business to proprietary operations if the sought authority is not granted.

Revenue and expense data submitted by applicant 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 application was mailed to the California Trucking Association on or about November 27, 1968. The application was listed on the Commission's Daily Calendar of December 3, 1968. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted.

In view of the impending expiration date of the current authority, the order which follows will be made effective January 29, 1969.

IT IS ORDERED that:

1. Western Transport Service, a corporation, is authorized to transport coke in bulk in bins, and empty bins returning, for

T.M.C. Corporation between the points set forth in Appendix A, attached hereto and by this reference made a part hereof, at a rate less than the established minimum rates, but not less than that set forth, and subject to the conditions shown, in said Appendix A.

2. The authority herein granted shall, on and after January 29, 1969, supersede the authority granted by Decision No. 73590 and shall expire with January 29, 1970.

This order shall become effective January 29, 1969.

Dated at San Francisco, California, this 21<sup>st</sup> day of January, 1969.

*William J. ...*  
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President

*Frank R. Morrissey*  
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*(William)*

Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A TO DECISION NO. 75228

WESTERN TRANSPORT SERVICE

COMMODITY: Coke, in bulk, in bins.

From: Shell Chemical Company, Shell Point.

To: F.M.C. Corporation, Modesto.

Rate: 28 cents per 100 pounds.

Minimum

Weight: 50,000 pounds.

COMMODITY: Bins returning empty from outbound movement of coke.

From: F.M.C. Corporation, Modesto.

To: Shell Chemical Company, Shell Point.

Rate: No charge.

Note 1. Empty bins shall be transported on the return movement of equipment which has carried coke-loaded bins from Shell Point to Modesto under this authorization.

Note 2. The rate of 28 cents hereinabove authorized shall be increased in the same amount and effective at the same time or times as the Commission shall increase the Class 35.3 rate applicable under the provisions of Minimum Rate Tariff No. 2 and Distance Table 7 from Shell Point to Modesto.

END OF APPENDIX A