

**ORIGINAL**

Decision No. 75266

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
for authority to make effective )  
increases in local and joint rail )  
and joint rail-highway freight )  
rates and charges. )

Application No. 50445

In the Matter of the Investiga- )  
tion into the rates, rules, regu- )  
lations, charges, allowances and )  
practices of all common carriers, )  
highway carriers and city carriers )  
relating to the transportation of )  
any and all commodities between )  
and within all points and places )  
in the State of California (in- )  
cluding, but not limited to, )  
transportation for which rates are )  
provided in Minimum Rate Tariff )  
No. 2). )

Case No. 5432  
(Order Setting Hearing in  
Decision No. 74619  
dated August 27, 1968)

And related matters. )

Cases Nos. 5330, 5433, 5435,  
5436, 5437, 5438,  
5439, 5440, 5441,  
5603, 5604, 7857,  
7858.

SUPPLEMENTAL OPINION AND ORDER

Decision No. 75135 dated December 20, 1968, in the above proceedings authorized increases in local and joint all-rail and joint rail-highway freight rates and charges applicable to California intrastate transportation with certain exceptions. Inadvertently carriers were not authorized to maintain rate relationships previously established whereby rates have been published at levels above the competitive rail rates. Such rate differentials ordinarily reflect shipper-carrier agreements responsive to marketing relationship and added service to be provided by motor carrier service.

In the circumstances, it appears, and the Commission finds that the aforementioned rate relationships should be reestablished, the necessary modification of Decision No. 75135, supra, should be made by the order herein and, to the extent that increases will result from said modification, such increases are justified. A public hearing is not necessary. The Commission concludes that Decision No. 75135 should be amended accordingly.

IT IS ORDERED that:

1. Ordering Paragraph No. 7 of Decision No. 75135 dated December 20, 1968, in these proceedings is hereby amended to read as follows:

"7. Common carriers maintaining, under outstanding authorization permitting the alternative use of rail rates, rates below the specific minimum rate levels otherwise applicable, are authorized and directed to increase such rates to the level of the rail rates established pursuant to the authority granted in paragraph No. 1 hereof or to the level of the otherwise applicable specific minimum rates, whichever is lower. To the extent such common carriers have maintained such rates at differentials above previously existing rail rates, they are authorized to increase such rates by the amounts authorized in paragraph No. 1 hereof; provided, however, that such increased rates may not be lower than the rates established by the rail lines pursuant to the authority granted in paragraph No. 1 hereof, nor higher than the otherwise applicable minimum rates."

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 hereof on not less than five days' notice to the Commission and the public.

3. In all other respects, Decision No. 75135 shall remain in full force and effect.

4. The authority herein granted shall expire unless exercised within 60 days after the effective date hereof.

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

Dated at San Francisco, California, this 28<sup>th</sup> day of  
January, 1969.

William J. Lyons, Jr.  
President

Secretary

Donald P. Monseiff

Commissioner

Thomas M. ...  
Commissioners