

ORIGINAL

Decision No. 76649

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 WESTERN TRANSPORT SERVICE, a corpora-
 tion, for an order authorizing de-
 parture 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. 51526
 (Filed December 4, 1969)

O P I N I O N

Western Transport Service, a corporation, operates as a highway contract carrier. By Decision No. 75228, dated January 21, 1969, in Application No. 50719, it was authorized to deviate from the Commission's minimum rates for the transportation of (1) coke, in bulk, in bins, from Shell Point to Modesto for F. M. C. Corporation (F.M.C.) at a rate of 28 cents per 100 pounds, minimum weight 50,000 pounds,^{1/} and (2) empty bins returning from Modesto to Shell Point without charge. The current authority is scheduled to expire with January 29, 1970. 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 that the entire round trip from its terminal at Concord to Modesto

1/ The authority required that the 28-cent rate be increased in the same amount and effective at the same time or times as the Commission would increase the Class 35.3 rate applicable under the provisions of Minimum Rate Tariff No. 2 from Shell Point to Modesto. This rate was increased to 29 cents effective May 10, 1969.

via Shell Point and return to Concord via Shell Point is made in from 6-1/2 to 7-1/2 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 December 3, 1969. The application was listed on the Commission's Daily Calendar of December 5, 1969. 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, 1970.

O R D E R

IT IS ORDERED that:

1. Western Transport Service, a corporation, is authorized to transport coke in bulk in bins, and empty bins returning, for F. 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 supersede the authority granted by Decision No. 75228 and shall expire with January 29, 1971.

This order shall become effective January 29, 1970.

Dated at San Francisco, California, this 6th
day of JANUARY, 1970.

William J. Sweeney
President
Augustine
J. P. Hickman
Thomas W. Warr
Vernon L. Stungen
Commissioners

APPENDIX A

WESTERN TRANSPORT SERVICE

Commodity: Coke, in bulk, in bins

From: Shell Chemical Company, Shell Point

To: F. M. C. Corporation, Modesto

Rate: 29 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 29 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 No. 7 from Shell Point to Modesto.

END OF APPENDIX A