

ORIGINAL

Decision No. 78624

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of BULK FREIGHTWAYS, a)
 corporation, for authority under)
 Section 3666 of the Public Utilities)
 Code to transport phosphate of soda,)
 NOI, in bulk, between points in)
 Long Beach, for Proctor & Gamble)
 Manufacturing Company at rates less)
 than the established minimum rates. }

Application No. 52545
 (Filed April 12, 1971)

INTERIM OPINION AND ORDER

Bulk Freightways, a corporation, operates as a radial highway common carrier, a highway contract carrier and a dump truck carrier, authorized by its permits to transport specialized commodities, in bulk, including phosphate of soda. By this application, it seeks authority under Section 3666 of the Public Utilities Code to assess rates less than the minimum rates effective April 24, 1971,^{1/} for the transportation of phosphate of soda, NOI, within Long Beach for the account of Proctor & Gamble Manufacturing Company.

Applicant states that the transportation is to be performed in bulk in pneumatic hopper trucking equipment from the plant of Monsanto Company at 6251 Paramount Boulevard, Long Beach, to the plant of Proctor & Gamble at 1601 West Seventh Street, Long Beach. Applicant proposes to assess a rate of 10.5 cents per 100 pounds, subject to a minimum weight of 50,000 pounds per load. For loading and unloading time in excess of one hour, applicant proposes to

1/ By Decision No. 78264, dated February 2, 1971, in Case No. 6322, et al., the Commission, among other things, made transportation of phosphate of soda between points in Long Beach subject to the rates and rules as set forth in Minimum Rate Tariff 2.

assess a charge of \$14.50 per hour. Applicant declares that it is currently engaged in the same type of transportation for the same shipper at the same rates from the plant of Stauffer Chemical Company at South Gate to Proctor & Gamble at Long Beach.^{2/}

Applicant declares that its shipper, Proctor & Gamble Manufacturing Company, with a large manufacturing plant at Long Beach, has two main suppliers of phosphate of soda, i.e., Stauffer Chemical Company with a plant at South Gate and Monsanto Company with a plant at Long Beach and that since 1964 applicant has performed all of the transportation services required by Proctor & Gamble Manufacturing Company in transporting phosphate of soda from the aforementioned suppliers. Applicant states that the transportation services performed from the Monsanto plant at Long Beach to Proctor & Gamble at Long Beach has not heretofore been regulated rate wise by the Commission and that the rate and charge assessed by applicant has been subject to negotiation and agreement between applicant and Proctor & Gamble. Applicant asserts it has historically charged, assessed and collected for its services in transporting phosphate of soda for the account of Proctor & Gamble within Long Beach at the same level as the charges for which applicant has received special deviation authority from this Commission in the performance of similar services from South Gate to Long Beach. Moreover, applicant states there is no substantial difference in the transportation conditions which justified applicant's original deviation authority from South Gate to Long Beach on the

^{2/} Deviation from otherwise applicable minimum rates is currently authorized by the Commission's Order No. SDD-038, dated March 23, 1971, in Special Deviation Docket No. 038, scheduled to expire with March 30, 1972.

one hand and the services performed between points within Long Beach on the other hand; the unloading facilities are the same in both instances; the loading facilities are substantially the same; the actual highway miles, one-way, from origin at Stauffer plant in South Gate to the Proctor & Gamble plant in Long Beach is 14.0 miles; and the actual miles, one-way, from origin at Monsanto plant in Long Beach to the Proctor & Gamble plant at Long Beach is 10.5 miles. Finally, according to applicant, the shipper has advised that it expects applicant to obtain the same deviation authority from this Commission on the Monsanto haul as was obtained on the Stauffer haul and, in the absence thereof, the shipper asserts it will be obliged to resort to proprietary operations to satisfy its needs.

Copy of the application was mailed to California Trucking Association on or about April 12, 1971. The application was listed on the Commission's Daily Calendar of April 13, 1971. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and recommends that it be granted by ex parte order on an interim basis pending decision on evidence to be adduced at a public hearing.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, it appears, and the Commission finds, that the proposed rate is reasonable. In view of the existing conditions, the Commission concludes that applicant should be granted interim authority for a period of six months. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Bulk Freightways, a corporation, is authorized to transport phosphate of soda, NOI, for Proctor & Gamble Manufacturing Company, at rates less than the established minimum rates but not less than the rates set forth in Appendix A attached hereto and by this reference made a part hereof.

2. The authority granted herein will expire six months after the date hereof, unless sooner canceled, modified or extended by order of the Commission.

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

Dated at Los Angeles, California, this 27th day of APRIL, 1971.

Chairman
William Harrison

[Signature]

[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

BULK FREIGHTWAYS, a corporation, is authorized to transport phosphate of soda, NOI, in bulk, in pneumatic hopper trucking equipment for Proctor & Gamble Manufacturing Company, as follows:

From: Monsanto Company, 6251 Paramount Boulevard,
Long Beach.

To: Proctor & Gamble Manufacturing Company, 1601
West Seventh Street, Long Beach.

Rate: 10.5 cents per 100 pounds, minimum weight 50,000
pounds per load.

Demurrage: (1) Loading time shall be computed from
the arrival of the vehicle at point of
origin until completion of loading.

(2) Unloading time shall be computed from
arrival of the vehicle at point of destina-
tion until completion of unloading.

(3) Time in excess of one hour for loading
or one hour for unloading shall be subject
to a charge of \$14.50 per hour. Fractions
of an hour shall be determined in accordance
with the following table:

Less than 8 minutes - omit
8 minutes, but less than 23 minutes - 1/4 hour
23 minutes, but less than 38 minutes - 1/2 hour
38 minutes, but less than 53 minutes - 3/4 hour
53 minutes or more - 1 hour

In all other respects, the transportation in question shall be subject to the provisions of Minimum Rate Tariff 2.

(End of Appendix A)