

Decision No. 78630**ORIGINAL**

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 salt (sodium
 chloride), plastics in granules,
 sodium phosphate, and sodium
 silicate, in bulk, between points in
 Los Angeles and Orange Counties,
 California, at rates less than the
 established minimum rates.

Application No. 52546
 (Filed April 12, 1971)

INTERIM OPINION AND ORDER

Bulk Freightways, a corporation, holds radial highway common carrier, highway contract carrier and dump truck carrier permits. By this application it seeks authority to transport salt (sodium chloride), plastics in granules, sodium phosphate, and sodium silicate, in bulk, between points in Los Angeles and Orange Counties at rates and charges on the basis of units of measurement differing from those in Minimum Rate Tariff 2 (MRT 2). Specifically applicant proposes to charge at hourly rates in lieu of class rates.

The applicant states that it has transported the above commodities in pneumatic hopper trucking equipment for the past several years between points in Los Angeles and Orange Counties at the established hourly rates of Minimum Rate Tariff 5.^{1/}

Applicant states that since the hourly rates in Minimum Rate Tariff 15 (MRT 15) do not apply to the transportation of bulk commodities transported in pneumatic hopper trucking equipment, it

^{1/} Decision No. 78226, dated February 2, 1971, in Case No. 6322 ordered Minimum Rate Tariff 5 canceled a petition for reconsideration of the cancellation was denied on March 23, 1971, by Decision No. 78472. The tariff cancellation was effective April 24, 1971.

must use the class rates named in Minimum Rate Tariff 2 (MRT 2). Bulk alleges that the class rates are unjust and unreasonable for the transportation service in question and that the assessment of the existing hourly rates are profitable. It also alleges that by continuing to charge these hourly rates in the future it may be reasonably expected to return to applicant an average of 18.6 percent profit to this service.

The applicant avers that its shippers have advised it that they cannot afford to absorb the substantial increases in transportation costs that will be incurred when the class rates in Minimum Rate Tariff 2 become applicable. These shippers have further advised applicant that in the absence of other relief they will be forced to satisfy the transportation needs in proprietary carriage. Applicant declares that the approval of the application as sought to deviate from the minimum rates will in no way or otherwise cause a breakdown in the outstanding minimum rate structures because the existing hourly rates in Minimum Rate Tariff 5 are profitable.

Appendices to the application contain cost data information which applicant avers shows the current transportation charges are profitable.

The verified application shows that a copy thereof was mailed to the California Trucking Association on April 10, 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.

Subject to further review upon consideration of additional evidence which may be adduced at a public hearing to be scheduled in this proceeding, it appears, and the Commission finds, that the

proposed rates are reasonable for a period of six months. A future hearing will be scheduled in this proceeding.


IT IS ORDERED that:

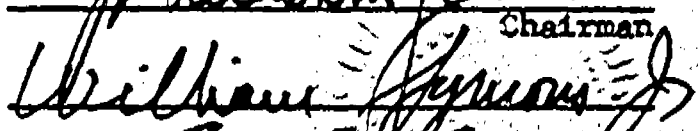
1. Bulk Freightways, a corporation, is authorized to depart from the minimum rates and rules set forth in Minimum Rate Tariff 2 for the transportation of salt (sodium chloride), plastics in granules, sodium phosphate, and sodium silicate, in bulk, between points in Los Angeles and Orange Counties as more specifically set forth in Appendix A attached hereto and 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.

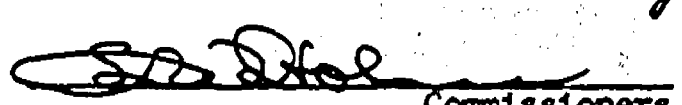
The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 12
day of MAY, 1971.



Chairman




Vernon L. Sturgeon


Commissioners

APPENDIX A

Bulk Freightways, a corporation, is authorized to transport (1) salt (sodium chloride), for Ocean Salt Company, Western Salt Company and Leslie Salt Company; (2) plastics in granules, for Eastman Chemical Products, Co.; (3) sodium phosphate, for Stauffer Chemical Co. and (4) sodium silicate, for Philadelphia Quartz Co., in bulk, in pneumatic hopper trucking equipment between points in Los Angeles and Orange Counties at hourly rates, as follows:

<u>Weight In Pounds</u>	<u>Rate In Cents Per Hour(1)</u>
Over 30,000	1887

(1) Subject to minimum charges as follows:

<u>Commodity</u>	<u>Minimum Hours</u>
Salt (Sodium Chloride)	Four and One-half
Plastics in granules	Four and Three-fourths
Sodium Phosphate	One
Sodium Silicate	One

Note 1. Weight in pounds is the greatest (heaviest) gross weight of the property transported by the unit of carrier's equipment at one time during a single transaction.

Note 2.

(a) The total of the loading, unloading and driving time computed from the arrival of carrier's equipment at point of origin, or first point of origin when more than one point of origin is involved, to the time unloading is completed at point of destination, or last point of destination when more than one point of destination is involved, subject to paragraph (b) hereof, shall be used to compute charges.

(b) In computing time under the basis outlined in paragraph (a) hereof the various time factors shall be not less than the actual time involved in minutes. After the total time has been determined under the provisions of paragraph (a) hereof, it shall be converted into hours and fractions thereof. Fractions of an hour shall be determined in accordance with the following table:

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

(END OF APPENDIX A)