

ORIGINAL

Decision No. 79297

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 TOM UTSUKI TRUCKING, INC., a Cali- )  
 fornia corporation, for authority )  
 to deviate from minimum rates pur- )  
 suant to Section 3666 of the Public )  
 Utilities Code for specified )  
 shippers. }

Application No. 52634  
 (Filed May 21, 1971)

Milton W. Flack, Attorney at Law, for  
 applicant.  
George C. Blake, for George C. Blake Trucking;  
 and Frank A. Riehle, Jr., Attorney at Law, for  
 Pacific Salt & Chemical Company, protestants.  
Arlo D. Poe and R. W. Smith, Attorneys at Law, and  
H. F. Kollmyer, for California Trucking Association;  
P. Robert Schmellick, for Western Salt Co.;  
Chester W. Jenkins, for Ocean Salt Co., Inc.;  
James S. Blaine, for Leslie Salt Company,  
 Interested parties.  
John deBrauwere and George L. Hunt, for the  
 Commission staff.

SECOND INTERIM OPINION AND ORDER

By interim order in Decision No. 78799, dated June 15, 1971, Tom Utsuki Trucking, Inc., a corporation, was granted authority to transport sodium chloride in bulk in dump truck equipment between points in Los Angeles and Orange Counties for Leslie Salt Company, Ocean Salt Company and Western Salt Company at hourly rates in lieu of the Commission's established minimum rates in cents per 100 pounds. Said decision ordered the authority to expire six months after the effective date thereof and a public hearing to be scheduled in this application. A duly noticed public hearing was held September 30, 1971, before Examiner Thompson at Los Angeles. The application is protested by California Trucking Association, George C. Blake Trucking and Pacific Salt and Chemical Company.

California Trucking Association filed a motion to defer submission and to limit the proceedings to the granting of interim relief only. Discussion by the parties on the motion disclosed that this is one of a number of applications brought under Section 3666 of the Public Utilities Code seeking authority to charge hourly rates for the transportation of commodities in bulk between points in Los Angeles and Orange Counties.<sup>1/</sup> The filings of these applications resulted from Decisions Nos. 78264, 78266, and 78271 under which minimum hourly rates which had been maintained in Minimum Rate Tariff 5 were canceled, and certain commodities transported in dump truck equipment and pneumatic hopper equipment which had moved under said hourly rates were made subject to the class rates in Minimum Rate Tariff 2. In each of said applications, including this one, applicants have been granted interim authority to continue to assess the hourly rates that had been set forth in Minimum Rate Tariff 5. California Trucking Association has filed Petition No. 41 in Case No. 7783 requesting that hourly rates in Minimum Rate Tariff 15 be made applicable to the transportation involved in these applications. A decision in said proceeding could make these applications moot.

The authority sought in this application is exactly the same as to rates, commodity, territory and shippers as sought in Applications Nos. 52686 and 52546; and it differs from that sought in Application No. 52579 only in that the latter covers transportation performed for only one of the three shippers named in the other applications. Pacific Salt & Chemical Company contends that rates for the transportation of salt in the area involved are a matter of general interest and that said applications should be consolidated looking towards the establishment of reasonable minimum rates for the transportation of salt.

---

<sup>1/</sup> Application No. 52579, West Coast Warehouse Corporation; Application No. 52546, Bulk Freightways; Application No. 52686, Lloyd Hendrick Wood; Application No. 52643, Wm. H. Sbatto, Inc.

It was the consensus at the hearing that the Commission should be given opportunity to consider all of the circumstances related to the aforesaid applications and that this applicant should not be prejudiced thereby. It was stipulated by all parties that the Commission should extend the interim authority granted in Decision No. 78799 to expire sixty days after the effective date of a final decision in Petition No. 41 in Case No. 7783 without prejudice to further hearing in this application. The stipulation was considered to be a motion and was taken under advisement by the presiding officer and the hearing was adjourned to a time and place to be set.

Upon consideration of the circumstances, we conclude that the authority should be extended in accordance with the stipulation; therefore,

IT IS ORDERED that the authority granted in Decision No. 78799 is extended so as to expire sixty days after the effective date of a final decision by the Commission in Petition for Modification No. 41 in Case No. 7783 without prejudice to further extension of said authority if applicant requests additional hearing herein prior to said expiration date.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of NOVEMBER, 1971.

[Signature]  
Chairman  
[Signature]  
[Signature]  
Commissioners