

ORIGINAL

Decision No. 79500

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)

Knapp, Gill, Hibbert & Stevens, by Karl K. Roos,  
 Attorney at Law, for applicant.  
Frank A. Riehle, Jr., Attorney at Law, for Pacific  
 Salt & Chemical Co.; and George C. Blake, for  
 George C. Blake Trucking, protestants.  
 R. W. Smith and A. D. Poe, Attorneys at Law, and  
H. F. Kollmeyer, for California Trucking  
 Association; and Phil Jacobson, Attorney at Law,  
 for Ventura Transfer Co.; interested parties.  
George L. Hunt, for the Commission staff.

#### SECOND 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.

By Decision No. 72630, dated May 4, 1971, applicant was authorized on an interim basis to charge the sought rates pending a hearing. The authority was scheduled to expire November 4, 1971, but was extended by Commission Resolution No. SDD-22, of August 31, 1971, until further order of the Commission.

Public hearing was held September 27, 1971, at Los Angeles before Examiner Turpen.

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 similar to that sought in Applications Nos. 52686 and 52634; and it differs from that sought in Application No. 52579 only in that the latter

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<sup>1/</sup> Application No. 52579, West Coast Warehouse Corporation;  
Application No. 52634, Tom Utsuki Trucking, Inc.;  
Application No. 52686, Lloyd Hendrick Wood; Application  
No. 52643, Wm. H. Shatto, Inc.

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.

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 agreed by all parties that the Commission should extend the interim authority granted in Decision No. 78630 to expire sixty days after the effective date of a final decision in Petition No. 41 in Case No. 7783 without prejudice to further action on this application.

Upon consideration of the circumstances, we conclude that the authority should be extended in accordance with the agreement reached at the hearing; therefore,

IT IS ORDERED that the authority granted in Decision No. 78630 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 the date hereof.

Dated at San Francisco California, this 21<sup>st</sup>  
day of DECEMBER, 1971.

[Signature]  
Chairman  
William H. [Signature]  
[Signature]  
Vernon L. Sturgeon  
[Signature]  
Commissioners