

ORIGINAL

Decision No. 80555

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application 7418 of PACIFIC	)	Shortened Procedure
SOUTHCOAST FREIGHT BUREAU under	)	Tariff Docket
the Shortened Procedure Tariff	)	Application No. 53497
Docket for authority to cancel	)	(Filed August 3, 1972)
Item 6180-A, Supplement 21 to	)	
PSFB Tariff 278-B as shown below.	)	
And Related Matters	)	Cases Nos. 5432 and 5437

OPINION AND ORDER

By this application, Pacific Southcoast Freight Bureau (PSFB), on behalf of the California rail carriers parties to PSFB Tariff 278-B, requests authority to cancel a commodity rate covering Earth, viz.: Alluvial or Silicious Silt, crude or ground, moving from Fleta to certain points in Los Angeles and vicinity in one of its tariffs.<sup>1</sup>

Applicant states that carriers' investigation has developed that there has been no movement under the rate proposed to be canceled and that none is foreseeable in the future. Applicant declares that the proposed rate cancellation was publicized in the May 20, 1972 issue of the Weekly Traffic Bulletin under PSFB Proposal 913, that copies of the proposal were sent to approximately 150 shippers and that no shipper objections have been received.

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<sup>1</sup>The rate is currently published in Item 6180-A, Supplement 21 to PSFB Tariff 278-B.

Applicant asserts that increases resulting from the proposal herein would not increase by as much as one percent the California intrastate gross revenue derived by any of the carriers involved.

The application was listed on the Commission's Daily Calendar of August 7, 1972. No objection to the granting of the application has been received.

Commission staff analysis discloses that since there has been no movement under the rate proposed to be canceled and since there is no foreseeable future movement, such "dead rate" in the interest of tariff simplification should be canceled. The staff recommends that the application be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that any increases resulting from the proposal herein is justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

Pursuant to paragraph (E) (2) (e) of Rule 23.1 of the Commission's Rules of Practice and Procedure, no findings regarding compliance with the Federal Economic Stabilization Act are required for Shortened Procedure Tariff Docket filings seeking carrier rate adjustments under Rule 25 thereof.

IT IS ORDERED that:

1. Pacific Southcoast Freight Bureau is hereby authorized, on behalf of the involved rail carriers, to publish amendments to its Tariff 278-B as specifically proposed in the application.
2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than thirty days after the effective date of this order on not

less than thirty days' notice to the Commission and to the public.

3. Common carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, charges below the specific minimum rate levels otherwise applicable for the transportation involved herein, are hereby authorized and directed to increase such charges, on not less than thirty days' notice to the Commission and to the public, to the levels of the rail charges established pursuant to Ordering Paragraph 1 hereof, or to the levels of the specific minimum rates, whichever are lower. To the extent such common carriers have maintained such charges at differentials above previously existing rail charges, they are authorized to increase such charges by amounts authorized in paragraph 1 hereof; provided, however, that such increased charges may not be lower than the charges established by the rail lines pursuant to the authority granted in paragraph 1 hereof nor higher than the otherwise applicable minimum rates. Such adjustments shall be made effective not earlier than the effectiveness of the increased rail charges and not later than thirty days after the effectiveness of said increased rail charges.

4. Common carriers, in establishing and maintaining the charges authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the charges published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

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5. The authority granted by the order herein shall expire unless exercised within ninety days after the effective date of this order.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 2nd day of October, 1972.

William L. Stryker  
President  
William J. Symonds  
John J. [illegible]  
[illegible]  
Commissioners