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Decision No. 82017

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into the rates, rules, regulations, charges, allowances, and practices of all common carriers, highway carriers and city carriers relating to the transportation of any and all commodities between and within all points and places in the State of California (including, but not limited to, transportation for which rates are provided in Minimum Rate Tariff 2).

And Related Matters.

Case No. 5432, OSH 768
(Filed October 10, 1973)

Case No. 5330, OSH 76
Case No. 5433, OSH 46
Case No. 5436, OSH 150
Case No. 5437, OSH 254
Case No. 5438, OSH 91
Case No. 5439, OSH 192
Case No. 5440, OSH 85
Case No. 5441, OSH 279
Case No. 5603, OSH 133
Case No. 5604, OSH 38
Case No. 7857, OSH 87
Case No. 7858, OSH 163
Case No. 8808, OSH 23
(Filed October 10, 1973)

SUPPLEMENTARY INTERIM OPINION AND ORDER

By Decision No. 82016 entered today in Application No. 54268, the Commission granted Pacific Southcoast Freight Bureau, on behalf of the California rail carriers, ex parte interim authority to establish for California intrastate rail traffic the increases in rates and charges specified in Tariff of Increased Rates and Charges X-299. On October 10, 1973 the Commission ordered that hearings be held in the

several minimum rate cases concurrently with Application No. 54268 for the purpose of determining whether common carriers should also be authorized and directed to adjust their rates maintained under the "alternative application of common carrier rates" provisions of the various minimum rate tariffs of the Commission.

In order to maintain an equality of competitive opportunity as between common carriers by rail and by truck, highway common carriers and other common carriers should be authorized and directed to increase their rail competitive rates to the extent they are both lower than the rail carload rates increased under Tariff X-299 found justified in Application No. 54268 and below the applicable minimum rates.

The Commission finds that the rates and charges of highway common carriers and other common carriers published and maintained on the level of the present railroad carload rates are insufficient, unreasonable, and not justified by transportation conditions to the extent such rates and charges are both lower than the Ex Parte 299 increased rail carload rates and below the applicable minimum rates.

The Commission concludes that:

1. Common carriers maintaining rates based on rail rates should be authorized and directed to increase those rates to the level of the Ex Parte 299 increased rail rates or the level of the otherwise applicable minimum rates, whichever is the lower.
2. Common carriers maintaining rates based on rail rates which rail rates have been canceled or changed should be required to adjust such rates to conform to the changed rail rates or to the minimum rates otherwise applicable.
3. Common carriers should be authorized to depart from the provisions of Section 460 of the Public Utilities Code and from the terms and rules of General Order No. 80-A to the extent necessary to establish the increased rates authorized or required herein.

IT IS ORDERED that:

1. Common carriers maintaining, under outstanding authorization permitting the alternative use of rail rates, rates below the specific minimum rate levels otherwise applicable, are authorized and directed to increase such rates to the level of the rail rates established pursuant to the interim authority granted in Application No. 54268 or to the level of the otherwise applicable specific minimum rates, whichever is lower. To the extent such common carriers have maintained such rates at differentials above previously existing rail rates, they are authorized to increase such rates by the amounts authorized herein provided, however, that such increased rates may not be lower than the rates established by the rail lines pursuant to the authority granted in Application No. 54268, nor higher than the otherwise applicable minimum rates.

2. Common carriers maintaining, under outstanding authorization permitting the alternative use of rail rates, rates based on rail rates which have been changed or canceled and which are below the specific minimum rate levels otherwise applicable, are hereby directed to increase such rates to applicable minimum rate levels and to abstain from publishing or maintaining in their tariff rates, charges, rules, regulations, and accessorial charges lower in volume or effect than those established in rail tariffs or the applicable minimum rates, whichever are lower.

3. Tariff publications required or authorized to be made by common carriers as a result of ordering paragraph 2 hereof may be made effective not earlier than the fifth day after the publication by common carriers made pursuant to the authority granted in Application No. 54268, on not less than five days' notice to the Commission and to the public; and such tariff publications as are required shall be made effective not later than thirty days after the effective date of the tariff publications made by common carriers pursuant to the authority granted in Application No. 54268.

4. Tariff publications required to be made by common carriers, as a result of ordering paragraph 1 hereof, may be made effective not earlier than the effective date of this order on not less than five days' notice to the Commission and to the public and shall be made effective not later than sixty days after the effective date of this order.

5. In making tariff publications authorized or required by ordering paragraphs 1 through 4, inclusive, common carriers are authorized to depart from the terms and rules of General Order No. 80-A, to the extent necessary to comply with said ordering paragraphs.

6. Common carriers, in establishing and maintaining the rates authorized hereinabove, are 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 rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

7. This proceeding shall be consolidated with Application No. 54268 for public hearing.

The effective date of this order is the date hereof.

Dated at Los Angeles, California, this 16th
day of OCTOBER, 1973.

Vernon L. Sturgeon
President
William Lyman
[Signature]
Commissioners

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

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.