Decision No. 83010

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 and highway) carriers relating to the transpor-) tation of cement and related) products (commodities for which) rates are provided in Minimum Rate) Tariff 10).

Case No. 5440 Petition for Modification No. 89 (Filed December 14, 1973; amended February 1, 1974 and May 29, 1974)

INTERIM OPINION AND ORDER

By Decision No. 82624 issued March 19, 1974 in this proceeding, the rates and charges set forth in Minimum Rate Tariff 10 (MRT 10) were adjusted to reflect increased costs for the highway transportation of ceront within California. Such cost increases included labor, vehicle equipment, and fuel cost factors underlying the then existing level of minimum cement rates. The California Trucking Association requests that the present MRT 10 distance cement rates be made subject to a fuel cost offset increase of 5 percent.

The level of fuel costs found reasonable in Decision Nc. 82624 was determined from information obtained by petitioner as of December 1973. Since that time petitioner states that cement carriers subject to the provision of MRT 10 have experienced further substantial increases in their fuel costs effective generally as of April 1974. Such further increases in fuel costs are predicated upon a survey conducted by a cost supervisor for petitioner's Transportation Economics Division. The results of the fuel cost

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survey are set forth in the cost supervisor's verified statement attached to the petition (Exhibit B). To provide continuity in measuring amounts of fuel cost increases the affiant surveyed the same carrier group from whom fuel cost data employed in Decision No. 82624 were obtained. A summary of the fuel cost survey follows:

TABLE 1

Comparative Fuel Costs December 1973 - April 1974

| · . | | Dec | December 1973 | | |
|---|---------------------------------------|----------------------------|------------------------------------|---|--|
| Item | Gallons Used | Weighting Factor | Cost Per Gallon | Weighted Cost Per <u>Gallon</u> | |
| NORTHERN TERRITORY | | | | - | |
| Les Calkins Trucking CAP Transport Foothill Bulk | 22,816 58,038 | 9-3% 23-7 | \$.3169 •3160 | \$-0295 -0749 | |
| Transportation Miles and Sons Trucking | 59,829 | 24-4 | .2950 | .0720 | |
| Service Cost Per Gallon | 104,403 | 42.6 | -3020 | <u>-1287</u> \$-3051 | |
| SOUTHERN TERRITORY Max Binswanger Trucking Fikse Brothers, Inc. Fikse Trucking TTT, Incorporated Cost Per Gallon | 328,221 362,748 1,884 63,928 | 43-4% 47-9 -2 8-5 | \$-2970 -2920 -2920 -3404 | \$-1289 -1399 -0006 -0289 \$-2983 | |
| Weighted Cost Per Gall | on | | · · · | \$.3010 | |
| NORTHERN TERRITORY | | AD | ril 1974 | | |
| Les Calkins Trucking CAP Transport Foothill Bulk Transpor- | 30,400 12,448 | 27.7% 11.3 | \$-401 -400 | \$-1109 -0453 | |
| tation Miles and Sons Trucking | 32,000 | 29.1 | -435 | .1266 | |
| Service Cost Per Gallon | 35,104 | 31.9 | -398 | <u>-1271</u> \$.4099 | |
| SOUTHERN TERRITORY | | | . · | | |
| Max Binswanger Trucking Fikse Brothers, Inc. Fikse Trucking | 100,000 78,002 | 52.4% 40.9 | \$-440 -480 | \$-2307 -2041 | |
| TTT. Incorporated Cost Per Gallon | 12,705 | 6.7 | -429 | <u>.0286</u> \$.4634 | |
| Weighted Cost Per Gall | on | | | \$-4400 | |

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A comparison of the December 1973 with the April 1974 overall fuel costs per gallon set forth in Table 1 indicates that the cement haulers have experienced a 13.9 cents per gallon increase in their cost for fuel since the MRT 10 cement rates were last adjusted pursuant to Decision No. 82624. Under the procedures for the computation of fuel cost offset surcharges established by Decision No. 82905 dated May 29, 1974 in Case No. 5432 (Petition 780) et al., a 13.9 cents per gallon increase in the fuel cost factor reflected in the established cement rates produces a fuel offset surcharge of approximately 5 percent which is the basis for the sought relief.

The petitioner's rate proposal is the product of shippercarrier discussion of the methods for incorporating the fuel cost increases set forth in Table 1. It is explained that the MRT 10 northern and southern territory rate scales reflect the individual needs of tariff users based upon differing transportation and marketing needs. It is the shipper's desire that the individual cement rates be adjusted as distinguished from the surcharge method for fuel cost offset rate relief. It is understood that such tariff procedure will facilitate the shippers' in-house operating procedure. Of equal importance to cement shippers is the effective date of the contemplated amendment of MRT 10. The parties involved request that any tariff changes emanating from this petition be made effective July 1, 1974.

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Findings

1. The minimum cement rates established by Decision No. 82624 in MRT 10 reflect an overall weighted fuel cost factor of 30.1 cents per gallon effective December 1973.

2. Petitioner has shown that by April 1974 cement carriers operating under the provisions of MRT 10 had experienced an average increase in their fuel costs of some 13.9 cents per gallon or an overall weighted fuel cost factor of 44.0 cents per gallon.

3. The April 1974 increase in fuel costs demonstrated by petitioner is not reflected in the present level of cement rates named in MRT 10.

4. Under the procedures for the computation of fuel cost offset surcharges established by Decision No. 82905 dated May 29, 1974 in Case No. 5432 (Petition 780) et al., a 13.9 cents per gallon increase in the fuel cost factor reflected in the existing minimum cement rates produces a fuel cost offset surcharge of approximately 5 percent.

5. Petitioner's proposed increase in the individual cement rates of approximately 5 percent, in lieu of an appropriate surcharge pursuant to Decision No. 82905, has been shown to be justified.

6. The increased rates found to be justified herein constitute the just, reasonable, and nondiscriminatory minimum rates for the transportation of cement and related commodities by highway carriers.

The Commission concludes that petitioner's proposed fuel cost offset increase of approximately 5 percent should be granted and MRT 10 amended accordingly. A public hearing is not necessary.

IT IS ORDERED that:

1. Minimum Rate Tariff 10 (Appendix A to Decision No. 44633, as amended) is further amended by incorporating therein, to become effective July 1, 1974, Tenth Revised Page 12-A and Eighth Revised Page 12-B, attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 44633, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff 10 are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 10 rates.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 10 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 10 are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 10 rates.

5. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 10 are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 10 rates.

6. Tariff publications required or authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the first day after the effective date of this order, on not less than one day's notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than July 1, 1974; and as to tariff publications which are authorized but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

7. Common carriers, in establishing and maintaining the rates authorized by this order, 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 longand short-haul departures and to this order.

8. In all other respects Decision No. 44633, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this)8 Th JUNE day of , 1974. Julianin / ommissioners

MINIMUM RATE TARIFF 10

TENTH REVISED PAGE.....12-A CANCELS NINTH REVISED PAGE.....12-A

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MINIMUM RATE TARIFF 10 t

EIGHTH RECED PAGE.....12-B CANCELS SEVENTH REVISED PAGE....12-B

| | SOUTHERN TE | RRITORY RATES | · · · · · · · · · · · · · · · · · · · | |
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| 30 | 35 | 12 | 134 | |
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| 40 | 45 | 14½ | 16 | |
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| 160 | 170 | 354 | 36 | |
| 170 | 180 | 37 | 37 | |
| 180 | 190 | 384 | 384 | |
| 190 | 200 | 40 | 40 | |
| 200 | 220 | 42k | 424 | |
| 220 | 240 | 45k | 454 | |
| 240 | 260 | 47k | 474 | |
| 260 | 280 | 51 | 51 | |
| 280 | 300 | 54k | 544c | |
| 300 | 320 | 564 | 564c | |
| 320 | 340 | 584 | 584c | |
| 340 | 360 | 614 | 614c | |
| 360 | 380 | 64 | 64 | |
| 380 | 400 | 662 | 6634 | |
| 400 | 420 | 692 | 6334 | |
| 420 | 440 | 72 | 72 | |
| 440 | 460 | 742 | 7442 | |
| 460 | 480 | 774 | 7743 | |
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| (1) Rates apply (2) Rates apply | y on shipments in bulk. y on shipments in packa | agos. | | |
| <pre> Increase, Dec:</pre> | xion No. 83010 |) | | |