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Decision No. 83795

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Basic Materials
Transport for authority to charge
less than minimum rate for the
transportation of trisodium
phosphate in bulk in bins for the
account of Procter & Gamble Company
under Section 3666 of the code.

Application No. 54497
(Filed December 10, 1973)

Harold F. Culy, for Basic Materials Transport,
applicant.
Arthur D. Maruna and Herbert W. Hughes, for
California Trucking Association, interested
party.

O P I N I O N

Decision No. 82422 dated February 5, 1974 in Application No. 54497 granted Basic Materials Transport ex parte authority to charge less than the minimum rates named in Minimum Rate Tariff 2 when transporting trisodium phosphate in shipper owned tote bins from Richmond to Sacramento, and the subsequent return of the empty bins for the account of Procter & Gamble Manufacturing Company. The ex parte authority was granted subject to further review of evidence to be adduced at public hearing.

Public hearing was held before Examiner Gagnon on October 23, 1974 at San Francisco. Applicant's managers for operations and traffic presented evidence in support of the sought relief. The extension of the temporary authority granted by Decision No. 82422 is not opposed.

Applicant introduced updated cost and related financial data which indicate that the transportation of trisodium phosphate and the return of empty bins for Procter & Gamble have been profitable under the outstanding deviation authority. A pro forma operating

statement was submitted (Exhibit 4) based upon the volume of trisodium phosphate and empty bins transported during the first nine months of 1974. The statement shows that applicant has and will continue to enjoy an operating ratio of 70.92 percent under its existing authority. Applicant's overall results of operation for the year ended March 31, 1974 are shown in Exhibit 5 to reflect an operating ratio of 96.26 percent.

Findings

1. The favorable circumstances and conditions attendant to the transportation performed by applicant for Procter & Gamble are not generally present in the usual or ordinary transportation performed by highway carriers under the governing provisions of Minimum Rate Tariff 2.

2. Applicant's minimum rates and charges assessed for the transportation of trisodium phosphate and empty bins under the existing temporary deviation authority have been shown to be reasonable.

3. The sought extension of applicant's current temporary minimum rate relief has been shown to be justified.

Conclusions

1. The ex parte authority granted by Decision No. 82422 in Application No. 54497, should be extended.

2. Since transportation conditions may change, the extended authority should be made subject to an expiration date of approximately one year.

O R D E R

IT IS ORDERED that:

1. Basic Materials Transport is authorized to assess rates and charges less than the minimum rates and charges prescribed in the otherwise governing Minimum Rate Tariff 2 as more specifically set forth in Appendix A attached hereto and by this reference made a part hereof.

2. The authority granted herein is in lieu of the ex parte authority granted by Decision No. 82422 and shall expire on December 31, 1975 unless sooner canceled, modified, or extended by order of the Commission.

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

Dated at San Francisco, California, this 10th day of DECEMBER, 1974.

Vernon L. Sturgeon
President
William J. Quinn
Thomas J. Moran
[Signature]
Robert E. McLeod
Commissioners

APPENDIX A

- ITEM 1. COMMODITIES: Trisodium phosphate, chlorinated or not chlorinated, in shipper-owned bins of not less than 60 cubic feet capacity.
- FROM: Richmond, California
- TO: The Procter & Gamble Plant
Sacramento, California
- RATE: Class 35.3.
- MINIMUM WEIGHT: 45,000 pounds per shipment. Rate applies to the combined weight of the commodity and bins. The weight of the bins must be shown separately on the bill of lading and may not be used to make up the minimum weight of the shipment.
- ITEM 2. COMMODITIES: Used empty bins, not nested, for return paying load of commodity in Item 1.
- FROM: The Procter & Gamble Plant
Sacramento, California
- TO: Richmond, California
- RATE: 50% of Class 55 rate but not less than 63 cents per 100 pounds.
- MINIMUM WEIGHT: 5,000 pounds per shipment.
- ITEM 3. LOADING AND UNLOADING OF CARRIER'S EQUIPMENT:
The loading and unloading of carrier's equipment will be performed by the shipper's lift trucks. One hour free time will be allowed for loading and one hour free time will be allowed for unloading bins commencing from the time carrier's equipment is placed at the designated loading or unloading place. Delay in excess of free time will be charged for as provided in Item 145 of Minimum Rate Tariff 2.
- ITEM 4. All other provisions of Minimum Rate Tariff 2 shall apply.