

Decision No. 83856

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of FIKSE BROS., INC., a California  
corporation, for authority to deviate  
from minimum rates pursuant to  
Section 3666 of the Public Utilities  
Code for specified shipper.

Application No. 55288  
(Filed November 1, 1974)

INTERIM OPINION

This is an application by Fikse Bros, Inc. a California corporation, for authority pursuant to Section 3666 of the Public Utilities Code to charge less than the rate prescribed in Minimum Rate Tariff 2, for the bulk transportation of flue dust from Kaiser Steel Corporation at Fontana to Kaiser Cement & Gypsum Corp. at Cushenberry. The requested rate is 25 cents per 100 pounds, minimum weight of 50,000 pounds, with certain additional loading and unloading time charges, as set out in Exhibit 1 attached to the application. The applicable minimum rate for this commodity is 52.5 cents per 100 pounds, minimum weight 45,000 pounds.

Applicant is presently operating as a certificated cement carrier, and also has radial highway common carrier and dump truck carrier permits.

In Decision No. 82178 dated November 27, 1973 in Application No. 53567, we granted a minimum rate deviation to another carrier hauling the same commodity for the same shipper between the same points. The rate allowed therein was the minimum applicable rate for hauling cement. The deviation granted in Decision No. 82178 will expire on December 31, 1974.

The present minimum rate for hauling cement is 20.5 cents per 100 pounds, minimum weight 47,500 pounds, with a loading and unloading time rate slightly lower than the applicant is requesting.

Applicant represents that it has hauled cement for the shipper in the past and that the transportation of flue dust is substantially similar to the hauling of cement.

Applicant has requested relief on an interim basis, pending further review and final decision. It appears, and we find, that the proposed rate is compensatory and reasonable, and that the authority requested should be temporarily granted, pending further review by this Commission. We conclude that applicant should be granted interim authority, as requested in Exhibit 1 of the application, for a period of six months unless sooner cancelled, modified, or extended by order of the Commission. At this time, we have not determined whether a public hearing is necessary. The California Trucking Association has filed a protest, but it is not substantial enough to warrant us to set this matter for public hearing at this time.

#### INTERIM ORDER

IT IS ORDERED that:

1. Fikse Bros., Inc., a California corporation, is authorized to transport flue dust from Kaiser Steel Corporation at Fontana to Kaiser Cement & Gypsum Corp. at Cushenberry, at a rate less than the applicable minimum rate, but not less than 25 cents per 100 pounds 50,000 pounds minimum.

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2. The authority granted shall expire six months after the effective date of this order unless sooner cancelled, modified, or extended by order of the Commission.

The effective date of this order is the date hereof. ✓

Dated at San Francisco, California, this 17<sup>th</sup>  
day of DECEMBER, 1974.

Vernon L. Sturgeon  
President  
William Symons Jr.  
[Signature]  
[Signature]  
Robert E. Myland  
Commissioners