

ORIGINALDecision No. 83900

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 No. 2).

Case No. 5432
Petition for Modification
No. 780
(Filed December 14, 1973;
amended February 1 and
May 31, 1974)

And Related Matters.

Case No. 5439, Petition 199
Case No. 5441, Petition 286
Case No. 7783, Petition 85
(Filed December 14, 1973;
amended February 1 and
May 31, 1974)

(Appearances are shown in Appendix A of Decision No. 82905.)

Additional Appearances

A. D. Smith, for Delta Lines, Inc., respondent.
Delmer D. Watkins and Joseph H. Fields, for Shell Oil
Company; Karl L. Mallard, for C&H Sugar Company; and
R. M. Zaller, for Continental Can Company; interested
parties.

ORDER DENYING MOTIONS FOR MODIFICATION OF
DECISIONS NOS. 83092 AND 83095^{1/}

Public hearing on motions filed by the California
Manufacturers Association (CMA) and The Standard Register Company
(Standard) was held before Examiner Gagnon at San Francisco on
November 22, 1974.^{2/}

^{1/} By supplemental order in Decision No. 83095 of July 2, 1974 in
Case No. 7783 the surcharge found justified in Decision No. 83092
was established in Minimum Rate Tariff 15.

^{2/} The motions were consolidated for hearing with Petition 108 in
Case No. 7783 which matter was adjourned for further hearing.

By Decision No. 83092 issued July 2, 1974 in Case No. 5432 (Petition 780) et al., the charges resulting under the application of Minimum Rate Tariffs 1-B, 2, 9-B, 15, and 19 were made subject to a fuel cost offset surcharge of one percent. The CMA and Standard now petition the Commission to restrict the application of the one percent surcharge to designated fuel cost oriented tariff charges.

In Decision No. 82905 dated May 29, 1974 in Case No. 5432 (Petition 780) et al. the Commission stated:

"The Commission staff also presented a report...concerning the...charges...which should not be made subject to any fuel cost offset surcharge which may be established in the future. The CTA contends that such surcharge should be applied against the total resulting freight charges as a source of revenue to offset fuel cost increases. The specific application of any future emergency fuel cost offset surcharge that may be adopted for minimum rate purposes should be determined at the time such surcharge is under consideration." (Emphasis added.) ✓

The application of the one percent surcharge was determined after due consideration by the Commission as noted in the opinion of Decision No. 82905. However, application of the surcharge was again reviewed in light of the additional evidence presented in support of the motions of CMA and Standard. Such evidence contains no probative data not previously considered which would now move the Commission to modify its Decisions Nos. 83092 and 83095. Accordingly, the motions of CMA and Standard should be denied.

C. 5432, Pet. 780 et al. b1

IT IS ORDERED that the motions of The California Manufacturers Association and The Standard Register Company petitioning the Commission to modify Decisions Nos. 83092 and 83095 are denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th day of DECEMBER, 1974.

Vernon L. Sturgeon
President
William Symons J.
Thomas Moran
Robert E. Merland
Commissioners