

**ORIGINAL**Decision No. 84250

## BEFORE THE PUBLIC UTILITIES COMMISSION OF STATE OF CALIFORNIA

Application of Pacific South-  
 coast Freight Bureau under  
 Shortened Procedure Tariff  
 Docket for Authority to Apply  
 Ex Parte 295 and 303 General  
 Rate Increases on Recyclable  
 Commodities

)  
 ) Shortened Procedure  
 ) Tariff Docket  
 ) Application No. 55419  
 ) (Filed January 2, 1975)  
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And Related Matters  
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Cases Nos. 5432, 5437,  
 5439 and 5441

OPINION AND ORDER

By this application, Pacific Southcoast Freight Bureau (PSFB) seeks authority on behalf of the California railroads, to publish Ex Parte 295 (three percent) and 303 (four percent) increases on recyclable commodities.<sup>1</sup>

Applicant states that this Commission authorized it to apply the three and four percent increases to the California intrastate rail rates to the same extent as authorized on interstate traffic by orders of the Interstate Commerce Commission dated November 19, 1973, in Ex Parte 295, Increased Freight Rates, 1973 and February 20, 1974, in Ex Parte 303, Increased Freight Rates and Charges, 1974, respectively.<sup>2</sup> Applicant alleges that this Commission did not authorize the aforementioned increases on recyclable commodities because, at the time the intrastate authorities were granted, the Interstate Commerce Commission had not authorized such increases on recyclable commodities. Applicant avers that subsequently the Interstate

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<sup>1</sup> The railroads are listed in Exhibit A attached to the application.

<sup>2</sup> See Decisions Nos. 82268 and 82889 dated December 18, 1973, and May 21, 1974, in Applications Nos. 54269 and 54552, respectively.

Commerce Commission authorized, with minor exceptions, the application of the three and four percent increases to recyclable commodities on interstate traffic by orders in Ex Parte 295-1 and Ex Parte 303 served October 31, 1974, and December 4, 1974, respectively. Applicant contends that the aforementioned increases were granted to alleviate operating losses which the railroads had experienced at that time and that such losses resulted from the transportation of recyclable commodities as well as other commodities.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue of any of the carriers by as much as one percent.

The application was listed on the Commission's Daily Calendar of January 3, 1975. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable and justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Pacific Southcoast Freight Bureau, on behalf of the rail carriers shown in Exhibit A attached to the application, is hereby authorized to publish by appropriate tariff supplement the same increases in California intrastate rates and charges on recyclable commodities as now authorized for interstate traffic by orders of the Interstate Commerce Commission in Ex Parte 295-1 and Ex Parte 303 served October 31, 1974, and December 4, 1974, respectively.

2. All rates and charges increased pursuant to the authority contained in this order shall be subject to the refund provisions set forth in Tariff of Increased Rates and Charges X295B-X299B-X303B.

3. Tariff publications authorized to be made as a result of the foregoing authority shall be filed not earlier than the effective date of this order and may be made effective not earlier than five

days after the effective date hereof on not less than five days' notice to the Commission and to the public, and said authority shall expire unless exercised within sixty days after the effective date of this order. To the extent that departure from the terms and rules of General Order No. 125 is required to accomplish such publication, authority for such departure is hereby granted.

4. The authority set forth above is granted subject to the express condition that applicant and the carriers on whose behalf it is participating herein will never urge before the Commission in any proceeding under Section 734 of the Public Utilities Code, or in any other proceeding, that the opinion and order herein constitute a finding of fact of the reasonableness of any particular rate or charge; and that the filing of rates pursuant to the authority herein granted constitutes an acceptance by applicant and said carriers as a consent to this condition.

5. 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 authority granted in paragraph 1 hereof 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 in paragraph 1 hereof, provided, however, that such increased rates may not be lower than the rates established by the rail lines pursuant to the authority granted in paragraph 2 hereof, nor higher than the otherwise applicable minimum rates.

6. 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 tariffs rates, charges, rules and accessorial charges lower in volume or effect than those established in rail tariffs or the applicable minimum rates, whichever are lower.

7. Tariff publications required or authorized to be made by common carriers as a result of paragraph 5 hereof may be made effective not earlier than the fifth day after the publication by applicant made pursuant to the authority granted in paragraph 1 hereof, 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 applicant pursuant to the authority granted in said paragraph 1.

8. Tariff publications required to be made by common carriers, as a result of paragraph 6 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 thirty days after the effective date of this order.

9. In making tariff publications authorized or required by paragraphs 5 through 8, inclusive, common carriers are authorized to depart from the terms and rules of General Order No. 80-Series to the extent necessary to comply with said ordering paragraphs.

10. Applicant and 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.

(SPT) A.55419 - CL

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

Dated at San Francisco, California, this 25th day of March, 1975.

Vernon L. Sturgeon  
President

William J. ...

[Signature]

Leonard Ross  
Commissioners