

**ORIGINAL**Decision No. 84481

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 WESTERN ASPHALT SERVICE for authority  
 to depart from its published tariff  
 for the transportation of residual  
 fuel oil for the City of Los Angeles,  
 Department of Water And Power,  
 pursuant to the provisions of Section  
 530 of the Public Utilities Code and  
 this Commission's General Order No. 132.

Application No. 55290  
 (Filed November 6, 1974)

W. P. Van Loben Sels, for applicant.  
T. J. Hays and H. W. Hughes, for California Trucking  
 Association, interested party.  
Frank M. Nyulassy, for the Commission staff.

O P I N I O N

Western Asphalt Service, a corporation, operates as a petroleum irregular route carrier. By this application, it seeks authority, under Rule 4 of General Order No. 132, to issue a rate quotation statement containing rates for certain transportation of residual fuel oils for the city of Los Angeles, Department of Water and Power, which are departures from the rates and charges contained in applicant's tariff on file with the Commission, and those set forth in the Commission's Minimum Rate Tariff 6-B (MRT 6-B).

The requested authority was granted on an interim basis until May 31, 1975 by Decision No. 83773 dated November 26, 1974.

Public hearing was held on April 4, 1975 at San Francisco before Examiner O'Leary at which time the matter was submitted.

Evidence presented by applicant discloses that the facts and circumstances surrounding the involved transportation are described in Decision No. 83773 and therefore need not be repeated herein.

Revenue and expense data submitted by applicant disclose that the transportation at the requested rates will be compensatory.

There are no objections to granting the authority requested.

The Commission finds that the proposed rates are reasonable and compensatory.

The Commission further finds that the authority set forth in Decision No. 83773 provides for adjustment of rates should the vehicle unit volume tender rates in Minimum Rate Tariff 6-B be changed. The provision in the interim order should be deleted as no adjustment of the rates authorized can be made except in compliance with the provisions of General Order No. 132.

The Commission concludes that the application should be granted, which will be accomplished by extending the expiration date of Decision No. 83773 for one year, and that Decision No. 83773 should be amended as set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. The expiration date set forth in Decision No. 83773 is extended to May 31, 1976.
2. The following provision set forth on page 2 of Appendix A of Decision No. 83773 is deleted:

"5. These rates are subject to adjustment dependent upon any change in the vehicle unit volume tender rates in Minimum Rate Tariff 6-B."

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 28th  
day of MAY, 1975.

William J. Sturgeon President  
Leonard J. Sturgeon  
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.