

Decision No. 84790**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of ASBURY SYSTEM for an Order)
 authorizing Applicant to deviate)
 from certain minimum rates on)
 shipments of petroleum coke)
 transported pursuant to Sec-)
 tion 3666 of the Public Utilities)
 Code.)

Application No. 55762
 (Filed June 20, 1975)
 (Amended June 26, 1975)

INTERIM OPINION AND ORDER

Asbury System operates as a highway permit carrier. By this application, it seeks authority to depart from the provisions of Minimum Rate Tariff 15 (MRT 15) by assessing a scale of distance rates on petroleum coke based on the present rates applicable to rock, sand and gravel in Item 290 of Minimum Rate Tariff 7-A. The proposed rates would apply to transportation from refineries within 150 airline miles of Los Angeles to points in California.

Applicant states that, in the past, a major portion of petroleum coke processed in the Los Angeles area has been exported but an increase in domestic utilization of this relatively cheap low-grade energy source is anticipated as a result of passage of Public Law 94-12 which removed the tax advantage for foreign sales of this product.

Applicant alleges that it has transported approximately 15,000 tons of petroleum coke in intrastate traffic within the Los Angeles area during the first half of this year under the rates named in MRT 15. Applicant asserts that, during the period of June 9 through June 18, 1975, it transported 4870.5 tons of petroleum

coke from El Segundo to Wilmington under the rates in MRT 15 for a total charge of \$7,451.87 and a yield of \$29.69 per hour. Applicant avers that, had it been permitted to use the proposed rate of \$1.37 per ton for said transportation, the total charge would have been \$6,672.59 and the yield would have been \$26.58 per hour. Applicant contends that it is apparent from the yield derived from the aforementioned movement that the proposed rates would generate adequate revenue for the transportation involved.

Applicant submits that it has made considerable investment in specially designed motor vehicle and trailer equipment for the transportation of petroleum coke and many of its units would be idled should action be delayed on its application and shippers elect to increase the utilization of their proprietary equipment. Applicant requests expedited consideration of this matter due to the urgency involving potential loss of traffic now available.

Copies of the application and amendment were mailed to California Trucking Association. The application and amendment were respectively listed on the Commission's Daily Calendars of June 25 and 30, 1975. Standard Oil Company of California informed the Commission by letter that it supports applicant's proposal. California Dump Truck Owners Association requested that the matter be consolidated for hearing with its Petition No. 280 in Case No. 5437 or, in the alternative, that said petition be granted on an ex parte basis thereby making the instant application moot. Russell & Schureman protested the application on behalf of Allyn Transportation Company stating that it contemplated filing an appropriate petition seeking the establishment of rates on petroleum coke in Minimum Rate Tariff 2 which would be identical to the rates herein proposed and made available to all carriers.

Applicant's highway contract carrier permit contains the restriction that applicant "...shall not engage in the transportation of property over the public highways under this permit when such transportation is covered by the highway common carrier operative authority of Asbury Transportation Co., a corporation." Since the transportation involved herein comes within the scope of said highway common carrier operating authority and applicant desires to perform said service as a highway contract carrier, Asbury Transportation Co. has submitted a separate request that its highway common carrier certificate be restricted to except therefrom the transportation of petroleum coke.

Subject to further review upon consideration of evidence which may be adduced at a public hearing and subject to the conditions specified in Paragraph 2 hereof, the Commission finds that the rates sought herein are reasonable for the transportation to be performed by Asbury System for Standard Oil Company of California from its El Segundo refinery. In view of the existing conditions, the Commission concludes that Asbury System should be granted interim authority to the extent hereinafter indicated. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Pending hearing, Asbury System is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 15 to the extent set forth in Appendix A attached hereto and by this reference made a part hereof.

2. The exercise of the authority herein granted is subject to the conditions that:

- (a) The authority which was granted by Decision No. 42623 dated March 15, 1949, to Asbury Transportation Co. to conduct operations as a highway common carrier is modified to except therefrom the transportation of petroleum coke;

(b) Asbury Transportation Co. has filed with the Commission its written acceptance of said modification of its highway common carrier operative authority;

(c) Asbury Transportation Co. has filed and made effective appropriate amendments to its highway common carrier tariff or tariffs to give effect to the operative authority modification herein specified.


3. The modification of Asbury Transportation Co.'s highway common carrier operative authority in accordance with the provisions of Paragraph 2(a) shall become effective as of the date Asbury Transportation Co. has filed with the Commission the written acceptance, as specified in Paragraph 2(b), of the modification of said highway common carrier operative authority.

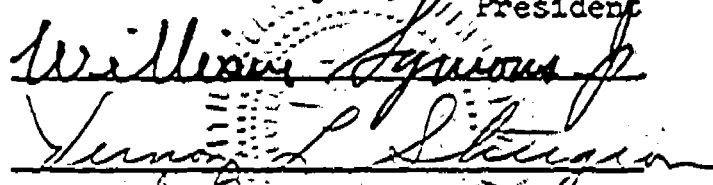
4. Amendment or amendments to Asbury Transportation Co.'s highway common carrier tariff or tariffs to be made as a result of the order herein may be made effective not earlier than the first day after the effective date of this order on not less than one day's notice to the Commission and to the public.


5. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this application.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th day of August, 1975.



President


Vernon L. Stinson


Commissioners

APPENDIX A

DISTANCE RATES
In Cents Per Ton

PETROLEUM COKE, in bulk, from Standard Oil Company of California El Segundo Refinery to points and places in California (see Note).

NOTE: Rates apply per tractor and two hopper trailers operating as a single unit, subject to a minimum weight of 25 tons per said unit.

| <u>MILES (1)</u> | | <u>RATE</u> | <u>MILES (1)</u> | | <u>RATE</u> | <u>MILES (1)</u> | | <u>RATE</u> |
|------------------|--------------------|-------------|------------------|--------------------|-------------|------------------|--------------------|-------------|
| Over | But Not Over | | Over | But Not Over | | Over | But Not Over | |
| 0 | 1 | 38 | 25 | 26 | 188 | 50 | 52 | 328 |
| 1 | 2 | 45 | 26 | 27 | 193 | 52 | 54 | 339 |
| 2 | 3 | 51 | 27 | 28 | 199 | 54 | 56 | 349 |
| 3 | 4 | 58 | 28 | 29 | 205 | 56 | 58 | 360 |
| 4 | 5 | 64 | 29 | 30 | 210 | 58 | 60 | 371 |
| 5 | 6 | 70 | 30 | 31 | 216 | 60 | 63 | 384 |
| 6 | 7 | 77 | 31 | 32 | 222 | 63 | 66 | 400 |
| 7 | 8 | 83 | 32 | 33 | 227 | 66 | 69 | 416 |
| 8 | 9 | 89 | 33 | 34 | 231 | 69 | 72 | 432 |
| 9 | 10 | 96 | 34 | 35 | 236 | 72 | 75 | 447 |
| 10 | 11 | 102 | 35 | 36 | 242 | 75 | 80 | 472 |
| 11 | 12 | 108 | 36 | 37 | 247 | 80 | 85 | 497 |
| 12 | 13 | 114 | 37 | 38 | 253 | 85 | 90 | 522 |
| 13 | 14 | 120 | 38 | 39 | 259 | 90 | 95 | 547 |
| 14 | 15 | 126 | 39 | 40 | 265 | 95 | 100 | 572 |
| 15 | 16 | 131 | 40 | 41 | 270 | 100 | 110 | 610 |
| 16 | 17 | 137 | 41 | 42 | 276 | 110 | 120 | 659 |
| 17 | 18 | 141 | 42 | 43 | 281 | 120 | 130 | 708 |
| 18 | 19 | 147 | 43 | 44 | 287 | 130 | 140 | 757 |
| 19 | 20 | 154 | 44 | 45 | 293 | 140 | 150 | 806 |
| 20 | 21 | 160 | 45 | 46 | 298 | 150 | 160 | 855 |
| 21 | 22 | 166 | 46 | 47 | 304 | 160 | 170 | 904 |
| 22 | 23 | 172 | 47 | 48 | 310 | 170 | 180 | 953 |
| 23 | 24 | 177 | 48 | 49 | 316 | 180 | 190 | 1002 |
| 24 | 25 | 183 | 49 | 50 | 322 | 190 | 200 | 1051 |

(2)

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- (1) Mileage is based on actual road miles.
 (2) For each additional 10 miles or fraction thereof, add to the rate for 200 miles the amount shown opposite this reference.

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APPENDIX A

RULES AND REGULATIONS

Item

WEEK-END RATES

Rates on Saturdays will be 118 percent of Distance Rates.

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Rates on Sundays and holidays will be 138 percent of Distance Rates.

DEMURRAGE OR DETENTION CHARGES

(A) Five (5) minutes will be allowed for the loading of each unit of carrier's equipment at point of origin and five (5) minutes will be allowed for unloading each unit of carrier's equipment at point of destination.

(B) All time consumed in loading or unloading in excess of the time allowed in paragraph (A) shall be assessed at the rate of \$4.00 per 15 minutes, or fraction thereof, subject to Note 1.

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Note 1: Time consumed does not include any time equipment is detained due to the fault of the carrier.

(END OF APPENDIX A)