

Decision No. 85781

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of C. R. Nickerson,)
Agent and Attorney, for and on)
behalf of Howard Terminal Rail-)
way, by virtue of Power of)
Attorney to said Agent, under)
Shortened Procedure Tariff Doc-)
ket, to issue Howard Terminal)
Railway, Terminal Tariff 2-E,)
I.C.C. 18, cancelling Terminal)
Tariff 2-D, I.C.C. 17 (also)
filed with the Public Utilities)
Commission of the State of Cali-)
fornia) to increase rates and)
charges to the extent outlined)
in Exhibit "A" attached hereto)
and made a part of this appli-)
cation.)

Application No. 56355
(Filed March 25, 1976)

AND

For authority to depart from the)
terms of Sections 454 and 491 of)
the Public Utilities Code when)
accomplishing proposed publica-)
tion.)

And Related Matters.)

Cases Nos. 5432 and 5441

OPINION AND ORDER

By this application, C. R. Nickerson, Agent for and on
behalf of Howard Terminal Railway (Howard), seeks authority to
increase certain charges from \$10.50 to \$18.33 per car for switch-
ing services at Oakland.¹

¹ The switching charges are set forth in detail in Items 5, 6, 7 and
8 of Howard Terminal Railway Terminal Tariff 2-D.

Applicant states that Howard has not increased its charges for switching services on its own lines since October 3, 1972, and, since that date, the costs of labor and other operating expenses have exceeded the revenues derived for such services under the current rates. Applicant anticipates that a yearly revenue increase of \$1,400 will accrue to Howard under the proposed charges.

Copies of the application were mailed to Oakland Chamber of Commerce, Southern Pacific Transportation Company, The Atchison Topeka and Santa Fe Railroad and Western Pacific Railroad Company. The application was listed on the Commission's Daily Calendar of March 26, 1976. 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 and the effective date of the order should be the date hereof as there is an immediate need for rate relief.

IT IS ORDERED that:

1. C. R. Nickerson, Agent, on behalf of Howard Terminal Railway, is authorized to publish revised switching charges in Howard Terminal Railway Terminal Tariff 2-D as specifically proposed in the application.
2. Tariff publications authorized to be made as a result of this order may be made effective on not less than two days' notice to the Commission and to the public.
3. Common carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, charges below the specific minimum rate levels otherwise applicable for the transportation involved herein, are hereby authorized and directed to increase such charges, on not less than two days' notice to the Commission and to the public, to the levels of the rail charges

established pursuant to paragraph 1 hereof, or to the levels of the specific minimum rates, whichever are lower. To the extent such common carriers have maintained such charges at differentials above previously existing rail charges, they are authorized to increase such charges by amounts authorized in paragraph 1 hereof; provided, however, that such increased charges may not be lower than the charges established by the rail lines pursuant to the authority granted in paragraph 1 hereof nor higher than the otherwise applicable minimum rates; Such adjustments shall be made effective not earlier than the effectiveness of the increased rail charges and not later than thirty days after the effectiveness of said increased rail charges.


4. Common carriers, in establishing and maintaining the charges authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 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 charges published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.



5. The authority granted herein shall expire unless exercised within ninety days after the effective date of this order.


C. 56355, C. 5432 and C. 5441 - HK

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 4th day of
May, 1976.


President


Commissioners

Commissioner William Symons, Jr., being
necessarily absent, did not participate
in the disposition of this proceeding.