



The applications were listed on the Commission's Daily Calendar of May 5, 1976. Objections to the granting of the applications were received from Western Asphalt Service, Inc., and California Trucking Association.

Western Asphalt Service, Inc., protests the granting of the sought authority alleging that: (1) applicant is currently hauling fuel oil under the contractual arrangement referred to in the applications; (2) some of the carrier's equipment is not capable of hauling 160 barrels of residual fuel oil; (3) no subhauler costs are contained in the applications though subhaulers have, in the past, been used extensively in this transportation; (4) no provisions are made for the assessment of demurrage or other accessorial charges; and (5) the costs are deficient in that they are not fully stated.

California Trucking Association (CTA) pointed out that balance sheets and income statements are not contained in the applications and applicant's costs are lump sum amounts with no supporting detail. CTA states that such deficiencies, when considered with the allegations of Western Asphalt Service, Inc., make public hearing without interim relief essential and it so requests.

In the circumstances, the Commission finds that:

1. Applicant's request for interim relief should be granted.
2. The conditions, which will govern the proposed rates, should satisfy the concern of protestants with respect to:
  - (1) the minimum gallonage that will be applied to said rates;
  - (2) the provisions for subhauler operations; (3) the assessment of accessorial charges; (4) clarification of applicant's cost data; and (5) the furnishing of other financial data.

The Commission concludes that the applications should be granted as set forth in the ensuing order to the carrier in the names which are shown in its petroleum contract carrier permit.

The Commission further concludes that the effective date of this order should be the date hereof because there is an immediate need for this rate relief.

IT IS ORDERED that:

1. Jack Holland, Sr. and Jack Holland, Jr., doing business as Jack Holland Oil Co., are authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.

2. The authority granted herein shall expire with January 1, 1977, unless sooner cancelled, modified or extended by further order of the Commission.

3. Jack Holland, Sr. and Jack Holland, Jr. shall clarify those areas of their cost data which are deficient in detail and provide the Commission and all parties to these proceedings with such data and also furnish the Commission and said parties with copies of the necessary balance sheets and income statements prior to or at the time of hearing.

4. A public hearing shall be scheduled on these applications at a date to be set.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of May, 1976.

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President  
*William J. ...*  
*Leonard L. ...*  
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*Paul Bateman*  
Commissioners

Commissioner D. W. Holmes, being  
-3-necessarily absent, did not participate  
in the disposition of this proceeding.

Commissioner Leonard Ross, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

APPENDIX A

Carrier: Jack Holland, Sr. and Jack Holland, Jr., doing  
business as Jack Holland Oil Co.

Commodity: Residual Fuel Oil

For: Kaiser Cement & Gypsum Corporation

<u>Between Bakersfield And:</u>	<u>Rates Per Barrel</u>
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Permanente	\$1.80
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Cushenbury	\$1.20
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Minimum: 160 barrels per shipment

Applicants have not indicated that subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rates authorized herein.

In all other respects, the rates and rules in Minimum Rate Tariff 6-B shall apply.

(END OF APPENDIX A)