

ORIGINAL

Decision No. 86523

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
for the purpose of considering and)
determining minimum rates for)
transportation of petroleum and)
petroleum products in bulk, in)
tank truck equipment statewide as)
provided in Minimum Rate Tariff)
6-B and the revisions or reissues)
thereof.)

Case No. 5436
Petition for Modification
No. 221
(Filed September 14, 1976)

OPINION AND ORDER

Western Asphalt Service, Inc., a petroleum irregular route carrier, seeks authority to publish¹ less than minimum rates for the transportation of residual fuel oil in tank truck equipment from Richmond to San Andreas and Redding.²

The petition is based on special circumstances and conditions detailed therein.

Revenue and expense data submitted by petitioner are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates.

¹ Present rates are contained in Western Motor Tariff Bureau, Inc., Local and Joint Freight and Express Tariff No. 18, Cal.P.U.C. No. 24.

² The present rates in cents per 100 pounds, exclusive of applicable surcharges, and the proposed rates in cents per 100 pounds (converted from rates in cents per barrel) for shipments of residual fuel oil are:

From Richmond To	Present Rate	Proposed Rate
San Andreas	41	31
Redding	67	46

The petition was listed on the Commission's Daily Calendar of September 16, 1976. California Trucking Association protested the granting of the petition stating that "Section 452 of the Public Utilities Code provides for common carrier assessment of less than maximum rates only when the needs of commerce or the public interest requires" (emphasis added). It is noted that the word "only" is not contained in Section 452 of the Code. Furthermore, the circumstances surrounding the transportation including favorable revenue and expense data, volume of movement exceeding ten loads per day, availability of loading and unloading facilities 24 hours per day seven days per week and excellent loading, unloading and transportation conditions fully substantiate the finding, "justified by transportation conditions", required by Section 452 of the Code.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and justified by transportation conditions. A public hearing is not necessary. The Commission concludes that the petition should be granted as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this relief.

IT IS ORDERED that:

1. Western Asphalt Service, Inc., is authorized to publish and file in Western Motor Tariff Bureau, Inc., Local and Joint Freight and Express Tariff 18, Cal.P.U.C. No. 24, rates of \$1.07 and \$1.60 per barrel for the transportation of residual fuel oil from Richmond to San Andreas and from Richmond to Redding, respectively. The minimum charge per shipment shall be the charge at the applicable rate for 1,000 barrels. The tariff provision shall be restricted to the volume and operating conditions identified in the petition.
2. Tariff filings required by this order may be made effective on not less than one day's notice to the Commission and to the public.

3. Western Asphalt Service, Inc., is authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to establish and maintain the rates authorized by this order.

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

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th day of October, 1976.

*I dissent as to the
effective date being
the date hereof.
William Aguirre Jr.*

Commissioner

[Signature]
President
[Signature]
Commissioners
[Signature]
Commissioners

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