

ORIGINAL

Decision No. 86753

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
 tion for the purpose of consid-)
 ering 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 revi-)
 sions or reissues thereof.)

Case No. 5436
 Petition for Modification
 No. 223
 (Filed November 1, 1976)

OPINION AND ORDER

Acme Transportation, Inc., a corporation, operates as a petroleum irregular route carrier. By Decision 85232 dated December 9, 1975, in Case 5436, Petition for Modification 198, it was authorized to publish a less-than-minimum rate of 66 cents per 100 pounds for the round-trip transportation of petroleum and petroleum products in bulk in tank trucks. The authority is scheduled to expire with December 15, 1976. By this petition, it seeks an extension of the current authority for an additional one-year period and requests that the authority be modified by increasing the rate to 70 cents per 100 pounds.

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

Revenue and expense data submitted by petitioner indicate that the transportation involved has been profitable and may reasonably be expected to be profitable under the proposed rate.

The petition was listed on the Commission's Daily Calendar of November 3, 1976. No objection to the granting of the petition has been received.

In the circumstances it appears, and the Commission finds, that the proposed rate is reasonable and justified by transportation

conditions. A public hearing is not necessary. The Commission concludes that the petition should be granted to the extent indicated in the ensuing order and 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. Acme Transportation, Inc., is hereby authorized to publish and file in Western Motor Tariff Bureau, Inc., Agent, Local and Joint Freight and Express Tariff 18, Cal.P.U.C. 24, to expire with December 15, 1977, a rate of 70 cents per 100 pounds, minimum weight 53,500 pounds, for the transportation of petroleum and petroleum products in bulk in tank truck equipment as set forth, and subject to the conditions specified, in Appendix A attached hereto and by this reference made a part hereof.

2. Tariff filings required by this order may be made effective on one day's notice to the Commission and to the public.

3. Acme Transportation, 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 rate 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 14th day of December, 1976.

I dissent
William S. Quinn
Commissioner

[Signature]
President

[Signature]
[Signature]

Commissioners

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

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ACME TRANSPORTATION, INC.

RATES IN CENTS PER 100 POUNDS
Subject to Notes 1 and 2

| <u>Commodity</u> | <u>Between</u> | <u>And</u> | <u>Rate</u> | <u>Min. Wt. In lbs.</u> |
|--|--------------------------------|--------------------------------|-------------|-----------------------------|
| Petroleum and petroleum products as described in rate Groups A, B, C, D, or E of Item 41 | *All points located in Group 2 | *All points located in Group 6 | 70 | 53,500 |

NOTE 1: Applies only when the carrier picks up and transports in the same unit of equipment an outbound and a return shipment in accordance with the following provisions:

- A. 1. Bill of lading covering initial shipment must be claused "Shipment Tendered Under Provisions of Item ___", and must indicate point of pickup of return shipment.
2. Return bill of lading must make reference to original bill of lading by shipping point, number, and date.
- B. Charges for both shipments must be payable by the same debtor.
- C. The return shipment must be available for carrier pickup immediately upon completion of delivery of the initial shipment and at the demand of carrier.

NOTE 2: A. The rate in this item is subject to the following route (route applies in either direction):
From Group 2 via U.S. Interstate Highway 80 to its junction with State Route 17, thence via State Route 17 to its junction with State Route 238, thence via State Route 238 to its junction with

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U.S. Interstate Highway 580, thence via U.S. Interstate Highway 580 to its junction with U.S. Interstate Highway 5, thence via U.S. Interstate Highway 5 to the intersection of U.S. Interstate Highway 5 and U.S. Interstate Highway 405; thence via U.S. Interstate Highway 405 to Group 6.

- B. The rates provided in this item will have intermediate application from, to, or between points along the route named in Note 2, paragraph A, and points one actual highway mile from such route only between Castaic and points in Group 6 and between Livermore and points in Group 2.

* Groups 2 and 6 are described on page 5-series of Western Motor Tariff Bureau, Inc., Agent, Local and Joint Freight and Express Tariff No. 18, Cal.P.U.C. No. 24.

(END OF APPENDIX A)