

Decision No. 88143 NOV 22 1977

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
 of Howard Scott Lyon, dba )  
 H. S. Lyon Trucking, to perform )  
 transportation services for the )  
 movement of blacks, carbon gas, )  
 in bulk at less than minimum )  
 rates, from Mojave and Rogas to )  
 Long Beach. )

Application No. 57495  
 (Filed August 3, 1977)

INTERIM OPINION AND ORDER

By this application, Howard Scott Lyon, dba H. S. Lyon Trucking, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of carbon gas black from Mojave and Rogas to Master Processing Corporation, Long Beach.<sup>1</sup>

Applicant states that the transportation services in bulk are presently being conducted solely by rail. Applicant avers that the consignee particularly desires to utilize bulk truckload shipments, since trucks can provide the consignee with far greater flexibility in the ordering of materials and alleviate some storage problems due to the fact that there are several different grades of carbon gas black and they have to be shipped and handled separately.

<sup>1</sup>The present minimum rates and the proposed rates, in cents per 100 pounds, for a 50,000 pound shipment of carbon gas black to Long Beach are as follows:

<u>From</u>	<u>Minimum Rate</u>	<u>Proposed Rate</u>	<u>Percent Reduction</u>
Mojave	74	60	23
Rogas	79	67	18

Applicant declares that consignee uses approximately 500,000 pounds per month of carbon gas black with an average of 2 or 3 truckloads per week. Facilities for overhead loading at all plants are available from 6:00 A.M. to 3:00 P.M. five days per week. Loading is performed by the consignor. Unloading facilities are open 7:00 A.M. to 7:00 P.M. five days per week and unloading is performed by the consignee.

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates on an interim basis as hereafter ordered.

The application was listed on the Commission's Daily Calendar of August 4, 1977. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable on an interim basis pending public hearing. The Commission concludes that the application 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. Howard Scott Lyon, dba H. S. Lyon Trucking, is 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 one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.
3. Howard Scott Lyon shall provide the Commission with detailed cost data for the aforementioned transportation during the interim period of this authority for presentation at a public hearing.

4. A public hearing shall be scheduled on this application at a date to be set.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22nd day of NOVEMBER, 1977.

I dissent as to the  
effective date  
William Symons Jr.

Robert B. Berman  
President

Virginia L. Sturgeon  
Richard D. Chavalle  
Clair T. Schriek  
Commissioners

## APPENDIX A

Carrier: Howard Scott Lyon dba H. S. Lyon Trucking  
Commodity: Carbon gas black, in bulk, in covered hopper type equipment.  
From: Citics Service Company at Mojave and Ashland Chemical Company at Mojave.  
To: Master Processing Corporation at Long Beach.  
Rate: 60 cents per 100 pounds plus seven (7) percent surcharge, minimum weight 50,000 pounds.

From: Continental Carbon Company at Rogas  
To: Master Processing Corporation at Long Beach.  
Rate: 65 cents per 100 pounds plus seven (7) percent surcharge, minimum weight 50,000 pounds.

## Conditions:

1. An allowance of one and one-half (1½) hours free time for loading and one and one-half (1½) hours free time for unloading shall be made in connection with each unit of carrier's equipment used. Excess loading or unloading time shall be charged for at rates named in Item 145 of Minimum Rate Tariff 2. Time shall be computed from actual or shipper-designated time of arrival of carrier's equipment at place of loading or unloading, whichever is later, until loading or unloading is completed and carrier's equipment is released.
2. Facilities for overhead loading at origins shall be available from 6:00 A.M. to 3:00 P.M., Monday through Friday. Loading to be performed by consignor.
3. Facilities for unloading shall be available from 7:00 A.M. to 7:00 P.M., Monday through Friday. Unloading to be performed by consignee.

APPENDIX A

4. The carrier's maximum liability in connection with this transportation shall be one-half of actual value or 50 cents per pound, whichever is less.
5. Applicant has 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 without any deduction for use of applicant's trailing equipment.
6. In all other respects the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)