

CBB/FS

Decision No. 89299 AUG 22 1978

**ORIGINAL**

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. 273  
(Filed June 26, 1978)

INTERIM OPINION AND ORDER

Jack Burtch Company, a corporation, operates as a petroleum irregular route carrier. By this petition, it seeks authority to continue to publish rates which are less than the Commission's established minimum rates for the transportation of residual fuel oil in tank truck equipment from the Bakersfield Extended Area, Kern River (northeast of Bakersfield) and Anchor Field to North Midway Field; and from Anchor Field to South Midway Field.<sup>1</sup> The aforesaid authority was initially granted per Decision 87634, dated July 19, 1977, and expired with August 1, 1978.

The petitioner also seeks to increase its currently published rates<sup>2</sup>, for the aforesaid authority, in two separate time frames, as set forth in petitioner's Appendix A, and listed in detail as follows:

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<sup>1</sup>The rates are currently published in Item 565, Western Motor Tariff Bureau, Inc., Agent, Local and Joint Freight and Express Tariff No. 18, Cal. P.U.C. No. 24.

<sup>2</sup>The current published rates were authorized per Decision 87882, dated September 20, 1977.

Comparison of Current and Proposed Rates  
Residual Fuel Oil, in bulk,  
in Tank Vehicles  
Rates in cents per barrel

| <u>From</u>                        | <u>To</u>             | (1)<br>Present<br>Published<br>Rates | (2)<br>Proposed<br>Rates<br>Immediately<br>Sought | (2)<br>Proposed<br>Rates for<br>January 1, 1979 |
|------------------------------------|-----------------------|--------------------------------------|---|---|
| 1. Bakersfield<br>Extended<br>Area | North Midway<br>Field | 47.5¢                                | 50.0¢   | 52.5¢   |
| 2. Kern River                      | North Midway<br>Field | 54.0                                 | 56.7  | 59.5  |
| 3. Anchor Field                    | North Midway<br>Field | 37.0                                 | 37.0  | 38.8  |
| 4. Anchor Field                    | South Midway<br>Field | 21.6                                 | 29.6  | 31.1  |

Excess charges-for loading  
and unloading in excess of  
one free hour - at the rate  
for each 15 minutes or  
fraction thereof

\$4.30

\$4.45

No Increase  
Sought

(1) Subject to a minimum of 170 barrels per truckload.

(2) Subject to a minimum of 160 barrels per truckload.

The revenue and expense data submitted by petitioner do not support an increase in rates. Nowhere in the petition does the carrier set forth any cost figures, operational data or specific reasons to substantiate the need for the sought increase in freight rates.

The petition was mailed to California Trucking Association and other interested parties on or about June 23, 1978. The petition was listed on the Commission's Daily Calendar on July 3, 1978. No objection to the granting of the petition has been received.

A further order of the Commission will be forthcoming concerning the application for the rate increase.

In the circumstances, the Commission finds that:

1. The needs of commerce and the public interest require that the present published rates on residual fuel oil in tank truck equipment from the Bakersfield Extended Area and Anchor Field to certain specific points be continued in effect.

2. The Commission concludes that the proposed renewal of the sought extension be granted at the present published rate levels. The effective date of this order should be the date hereof because there is an immediate need for this rate relief. A public hearing is not necessary.

IT IS ORDERED that:

1. Jack Burtch Company, a corporation, is hereby authorized to publish and file, until further order of the Commission, rates for the transportation of residual fuel oil 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. Rates to be published are those currently in effect, and as authorized by Decision 37882, in Case 5436, Petition for Modification 248.

2. Tariff filings shall be made effective on not less than one day's notice to the Commission and to the public.

3. Jack Burtch Company, a corporation, is authorized to depart from the provisions of Section 461.5 of the Public Utilities Code in establishing and maintaining the rates authorized herein. Schedules containing the rates published under this authority shall make reference to this order.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22nd  
day of AUGUST, 1978.

Robert Bateman  
President

William Lyons Jr.

Thomas L. Sturgeon

Commissioners

Commissioner Richard D. Cravello, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

## APPENDIX A

CARRIER: Jack Burtch Company

COMMODITY: Residual Fuel Oil in Tank Truck Equipment

| <u>From</u>                  | <u>To</u>          | <u>Rate in Cents<br/>per barrel</u> | <u>Minimum<br/>Number of<br/>barrels<br/>per load</u> | <u>Minimum<br/>Number of<br/>barrels per<br/>30 Day Period</u> |
|------------------------------|--------------------|-------------------------------------|---|--|
| Bakersfield<br>Extended Area | North Midway Field | 47.5                                | 170   | 45,000   |
| Kern River                   | North Midway Field | 50.0                                | 170   | 45,000   |
| Anchor Field                 | North Midway Field | 37.0                                | 170   | 10,000   |
| Anchor Field                 | South Midway Field | 21.6                                | 170   | 5,000  |

Conditions:

1. Carrier shall be available on a twenty-four-hour-a-day, seven-day-per-week basis.
2. Loading and unloading facilities shall be available on a seven-day-per-week basis.
3. Bottom pump loading shall be performed at origins and pump unloading shall be performed at destinations.
4. One hour free time shall be allowed for loading and one hour free time shall be allowed for unloading. Loading or unloading time in excess of free time allowed shall be charged at the rate \$4.30 for each fifteen minutes or fraction thereof.
5. Rates shall include bottom pump loading by carrier's equipment at origins and pumping service by carrier's equipment at destinations.
6. Transportation charges shall be billed at the end of seven days after commencement of service and each seven days thereafter and shall be payable within seven days after billing.

In all other respects, the rates and rules in Western Motor Tariff Bureau, Inc., Agent, Local and Joint Freight and Express Tariff No. 18, Cal. P.U.C. No. 24, shall apply.

(END OF APPENDIX A)