

Decision No. 89481 OCT 3 1978**ORIGINAL**

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, in bulk, of agri-
cultural products and related
articles statewide as provided in
Minimum Rate Tariff 14-A and the
revisions or reissues thereof.

Case No. 7857
Petition for Modification
No. 165
(Filed June 30, 1978;
amended August 1, 1978)

Richard W. Smith, Attorney at Law, for the California
Trucking Association, petitioner.

Loughran & Hegarty, by Edward J. Hegarty, Attorney at
Law, and Wigle and Larimore, by Donald A. Clegg,
for Anderson Clayton & Company, J. G. Boswell
Company, Kingsburg Cotton Oil, Producers Cotton
Oil, and Ranchers Cotton Oil; Glen J. Sullivan,
Attorney at Law, and Ralph Hubbard, for California
Farm Bureau Federation; and Brundage, Davis,
Frommer & Jesinger, by Roger A. Carnagey, Attorney
at Law, for Western Conference of Teamsters and
California Teamsters Public Affairs Council;
interested parties.

John S. Lemke, Earl J. Koski, and John F. Specht,
for the Commission staff.

SECOND INTERIM OPINION AND ORDER

Hearings in this proceeding before Administrative Law
Judge Thompson were completed September 14, 1978 and the matter was
submitted. The evidence in the proceeding shows that the volume
movement of cottonseed from cottonseed gins to processing mills as
a result of the harvest of cotton will commence the first week of
October and extend through December 1978. It is the custom for
the mills to contract with carriers to transport the entire production
of cottonseed from a gin to the mill during the harvest season. When
it became apparent at the close of hearings that the consideration and
adjudication of the many issues presented in the proceeding regarding
cottonseed and other oil seeds would preclude the issuance of a decision

by the Commission prior to the harvest, petitioner California Trucking Association moved for an immediate emergency five percent increase in the minimum rates for cottonseed pending final decision of its petition. No party opposed the motion.

It is the position of the five mills participating in the proceeding, which receive over 90 percent of the movement of cottonseed from gin to mill during the harvest, that it is of utmost importance to them that the minimum rates be established at the beginning of the season when they contract with their carriers and remain unchanged during the season. For that reason, and without prejudice to the position taken by them regarding petitioner's permanent rate proposals, they acquiesce to petitioner's motion for a five percent interim increase in the present minimum rates for the transportation of cottonseed to be applicable through the 1978 season. It was the position of the staff that its studies justify an emergency interim increase of five percent for the transportation of cottonseed. No other parties spoke to the motion.

We find that the proposed interim increase has been shown to be justified and that the circumstances with respect to the approaching harvest of cotton provide an emergency requiring that the interim rates be established without delay. Accordingly, the following order should be effective the date of signature.

Therefore, IT IS ORDERED that:

1. Minimum Rate Tariff 14-A (Appendix A to Decision No. 67397, as amended) is further amended by incorporating therein, to become effective October 5, 1978, Supplement No. 15, attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 67397, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustment ordered by this decision.
3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than October 5, 1978 and may be made effective on not less than one day's notice to the Commission and to the public.

4. Common carriers, in establishing and maintaining the amendments authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects, Decision No. 67397, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd day of OCTOBER, 1978.

Robert Bateman

President

William S. Squires Jr.

Vernon L. Sturgeon

Richard D. Hoyle

Clair T. Debrich

Commissioners

SPECIAL INCREASE SUPPLEMENT

SUPPLEMENT 15

(Cancels Supplement 14)

(Supplements 8 and 15 Contain All Changes)

TO

MINIMUM RATE TARIFF 14-A

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION, IN BULK, OF

AGRICULTURAL COMMODITIES AND

RELATED ARTICLES

NAMED HEREIN

OVER THE PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

AND

HIGHWAY CONTRACT CARRIERS

AND

AGRICULTURAL CARRIERS

APPLICATION OF SURCHARGE

Compute the amount of charges for shipments of safflower seed and cottonseed in Item 600 in accordance with the provisions of this tariff, and increase the amount so computed by five percent (5%). The surcharge will not apply to the additional charges when a tractor with a blade or scoop is used to load cottonseed.

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89481

EFFECTIVE OCTOBER 5, 1978

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California 94102