

Decision No. 89684 NOV 28 1978

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

ORDER EXTENDING TIME

Interim Decision No. 88143 dated November 22, 1977 authorized applicant to deviate from the provisions of Minimum Rate Tariff 2 (MRT 2) in connection with the transportation of carbon gas black in bulk in covered hopper equipment from Mojave and Rogas to Master Processing Corporation at Long Beach. The authorized rates from Mojave and Rogas are 60 and 65 cents per 100 pounds, respectively, plus seven percent surcharge. Both rates are subject to a minimum weight of 50,000 pounds and various conditions. The decision provided that the authority would expire on November 22, 1978 and that the matter would be scheduled for public hearing for the receipt of detailed cost data for the transportation in issue during the interim period.

The matter was set for public hearing in Los Angeles on October 30, 1978 but was removed from the calendar at applicant's request. Applicant advised that a number of carriers are preparing a petition to amend MRT 2 which, if granted, would eliminate the necessity for the rate deviation herein; that there is unanimous support in the transportation industry for this change and no protests; and that it is anticipated that the proposed tariff change will be accomplished shortly. Applicant asserts that because of this contemplated tariff change in the near future, the time and cost that would be required for a hearing in this matter is not warranted, and he

requests an extension of the interim authority for 120 days which, he states, should allow ample time to process the petition. The California Trucking Association has advised that it has no objection to the sought extension. There have been no protests to this application.

We find that the requested extension is reasonable and conclude that it should be granted. Because applicant has indicated that he will no longer need the authority after the extended period, the order which follows will provide that it will be dismissed at the conclusion thereof.

IT IS ORDERED that:

1. The expiration date of the interim authority granted to Howard Scott Lyon, dba H.S. Lyon Trucking, 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 at Long Beach by Decision No. 88143 as set forth in Appendix A thereof is extended one hundred twenty days after the effective date of this order.

A.57495 a1

2. At the conclusion of the extension of the interim authority authorized by Ordering Paragraph 1, Application No. 57495 shall be dismissed.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 28th
day of NOVEMBER, 1978.

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

Robert Bateman
President

William J. Sturgeon

Robert D. Howell

Clair T. DeLoach
Commissioners