

ORIGINALDecision No. 90325

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 of any and all)
 commodities statewide including,)
 but not limited to, those rates)
 which are provided in Minimum)
 Rate Tariff 2 and the revisions)
 or reissues thereof.)

Case No. 5432, Petition No. 1042
 (Filed March 7, 1979)

And Related Matters.

Case No. 5330, Petition No. 106
 Case No. 5433, Petition No. 71
 Case No. 5436, Petition No. 281
 Case No. 5437, Petition No. 305
 Case No. 5438, Petition No. 121
 Case No. 5439, Petition No. 333
 Case No. 5440, Petition No. 108
 Case No. 5441, Petition No. 413
 Case No. 5603, Petition No. 214
 Case No. 5604, Petition No. 64
 Case No. 6008, Petition No. 39
 Case No. 7783, Petition No. 162
 Case No. 7857, Petition No. 168
 Case No. 8808, Petition No. 47
 Case No. 9819, Petition No. 36
 Case No. 9820, Petition No. 14
 (Filed March 7, 1979)

(Appearances are listed in Appendix A.)

INTERIM OPINION

By the above petitions, the California Trucking Association (CTA) requests the Commission to direct its staff to develop current data and formulas to reflect increases in petroleum-derived (fossil) fuels in the various minimum rate tariffs (MRTs) and to establish a procedure for the future handling of this problem.

All of the petitions were consolidated for public hearing on a single record before Administrative Law Judge Arthur M. Mooney in San Francisco on April 20 and 21, 1979. The proceeding was submitted subject to the receipt of late-filed Exhibit 7, which was received on April 30, 1979. However, because of the continuing uncertainties that exist regarding the future pricing of gasoline and diesel fuels, the submission will be set aside and the proceeding will remain open for the consideration of the effect on tariff rates and charges of any future adjustments in fuel prices that may be brought to the Commission's attention. On April 20, 1979, CTA filed a motion for an interim surcharge to all MRTs to reflect an increase of 15 cents per gallon in the cost of fuel.

Evidence was presented by CTA, the Highway Carriers Association (HCA), the Associated Independent Owner-Operators, Inc. (AIOO), California Carriers Association (CCA), the California Dump Truck Owners Association (CDTOA), and the Commission's Transportation Division staff. Various interested parties participated in the development of the record through cross-examination of witnesses. There were no protestants.

All parties agree that there has been a substantial increase in fuel costs since the beginning of the year and that most of this

increase has been within the last month. According to the evidence on this issue, (1) the situation in the world petroleum industry today generally parallels the unprecedented conditions that existed during the period in 1973 and 1974 when supplies were curtailed and prices surged upward; (2) the motor carrier industry is heavily dependent on fuel which accounts for a significant portion of carrier operating costs; (3) the rapid fuel price increases that have been occurring are not now reflected in the cost datum planes on which the various minimum rates and fuel related charges are based; and (4) the Commission should establish an expedited offset procedure for adjusting the various MRTs to reflect fuel cost increases similar to the methods and procedures it adopted in Decision No. 82905 dated May 29, 1974 in Case No. 5432 (Petition 780), et al. (unreported) during the 1973-1974 fuel crisis.^{1/}

In response to the request in CTA's petition, the staff introduced into evidence cost and rate economic studies. The cost exhibit develops for various weights, distances, and other circumstances for each of the MRTs, based on the latest cost datum plane for each, the percentage increase in carrier total costs of a one dollar increase in fuel costs and sets forth a weighting factor formula for determining the percentage increase in total costs for any specific amount of increase in fuel costs that might occur. In the cost study, where both gasoline and diesel equipment is used for similar movements, the gasoline and diesel fuel costs were weighted accordingly. The rate

^{1/} In this decision, the Commission modified its cost offset procedures to include fuel price adjustments and found the staff proposed surcharge table for various amounts of increase per gallon in fuel costs (Exhibit 19) to be a reasonable basis for determining fuel surcharges for the various MRTs during this emergency period. When fuel prices stabilized, the proceeding was dismissed by Decision No. 83904 dated December 30, 1974.

economic exhibit sets forth a method to adjust the various MRTs to reflect fuel cost increases as they occur. The staff recommended fuel cost surcharge increases for each of the MRTs to offset increases of 5, 10, 12, 15, and 20 cents and one dollar per gallon in fuel costs is set forth in Appendix B. As pointed out by the staff, the surcharge for fuel increases in various other amounts would be the appropriate percentage of the amount recommended for a one dollar increase. The staff recommended surcharges are based on the Direct Wage Offset method which considers the increase in direct cost only and holds indirect expenses constant. No alternative methods for incorporating fuel cost increases in the MRTs were offered by the other parties.

The only issue on which there is any controversy in the record is the amount of fuel increase on which to base the fuel surcharge for each of the MRTs. CTA recommended that a 15 cents per gallon increase be used for all tariffs. Its witness explained that the recommended amount is based on an analysis of the results of a survey of the various prices paid by 150 of its members during the first three months of 1979 for bulk deliveries to the carrier's terminal, bulk purchase from the supplier's storage facilities, and road purchases at public stations which shows that the increases are ranging generally between 10 and 20 cents per gallon. The HCA and AIOO also recommended that a 15 cents per gallon increase be used for all tariffs, and the CCA and CDTOA both recommended that 20 cents per gallon be used for the dump truck tariffs (MRTs 7-A, 17-A and 20). The recommendation by each of the latter four carrier associations was based on a fuel price survey it had made. The staff recommended that a 12 cents per gallon increase be used for MRTs 1-B, 2, 6-B, 9-B, 10, 13, 15, and 19 and that a 15 cents per gallon increase be used for all other MRTs. The staff pointed out that its

recommendation is based on the most current fuel price data submitted by carriers to the Commission's Data Bank. By referring to Appendix B, the amount of the fuel surcharge that would result under each of the per gallon price increases recommended can be readily determined.

In its Exhibit 7, the staff has set forth proposed surcharge supplements to each of the MRTs to reflect the per gallon fuel price increases it has recommended. Tariff charges that are not fuel oriented are exempted from the surcharges in the proposed supplements. For MRTs 1-B, 2, 9-B, 15, and 19, the proposed supplements include both the fuel offset surcharges proposed herein and the surcharges to offset increases in payroll taxes, pension payments, and wages established by Decisions Nos. 89978 and 90224 dated February 14 and April 24, 1979 in Case No. 5432 (Petition 1034), et al. and companion decisions and provide for the cancellation of the supplements that include these other surcharges. The other MRTs were not subject to these surcharges. Also, the staff has pointed out that through inadvertence the new glassware rates in Items 643 and 646 of MRT 2 were made subject to the total amount of the offset surcharges in current Supplement 142 to the tariff; that these rates are not subject to the portion of these surcharges that were carried forward from cancelled Supplement 141; and that this has been remedied in the proposed MRT 2 supplement.

The only matter requiring comment is the amount of fuel increase to be reflected in the various MRTs. As to the other issues, the evidence clearly establishes that substantial increases in fuel prices have occurred in recent months and that these increases

are not included in the costs on which the minimum rates are based. We will adopt the staff formula in Appendix B, to which there were no objections, and for the purposes of this decision, we will apply the amount of fuel increases recommended by the staff and the staff proposed supplements in its Exhibit 7. While the proposals by the various trucker associations as to the amount of increase to apply may have some merit, they were based on rather limited surveys; whereas, the staff proposal on this issue was based on the current information in its Data Bank which is a summation of a continual survey of prices paid by truckers.

As stated in our Resolution No. M-4704 dated January 30, 1979, "rate increases, such as for energy...shall be exempt" from wage and price standards. This, therefore, is not a consideration in this proceeding. It is estimated that the interim increases authorized herein will generate several million dollars additional revenue for all carriers operating under the MRTs. However, as is evident, this additional revenue merely offsets the additional fuel costs carriers are paying.

Because the increased fuel costs are already being paid by carriers, the order which follows will be made effective on the date it is issued, and the order will provide that the tariff supplements will be effective on May 28, 1979 and that required or authorized tariff publications may be made on two days' notice.

Findings of Fact

1. Due to the existing nationwide energy crisis and the resulting fuel shortages and accelerating costs, the for-hire highway carriers operating intrastate within California have experienced substantial increases in their fuel costs in the last several months.

2. The increases in fuel costs referred to in Finding 1 are not now reflected in the historical cost data underlying the level of rates in the Commission's various MRTs.

3. CTA requests that a procedure be established to reflect increases in fuel costs in the various MRTs and that immediate offset surcharge supplements be issued for each of the MRTs to reflect the fuel increases that have occurred during the past several months.

4. The CTA request in Finding 3 is reasonable. As a result of the existing energy crisis, the highway carriers governed by the Commission's MRTs have experienced fuel increases of such magnitude as to justify fuel cost offset adjustments in the MRTs when such cost increases occur, or within a reasonable or short time thereafter.

5. The staff's fuel cost surcharge computations set forth in Appendix B have been shown to be an appropriate basis for adjusting the various MRTs to reflect the substantial increases in fuel costs that have been occurring in recent months.

6. The staff recommended 12 cents per gallon fuel increase for MRTs 1-B, 2, 6-B, 9-B, 10, 13, 15, and 19 and 15 cents per gallon fuel increase for all other MRTs are reasonable bases for adjusting the MRTs in this interim decision.

7. The fuel offset surcharge supplements in the staff's Exhibit 7 to reflect the fuel increases referred to in Finding 6 are reasonable and justified and should be adopted on an interim basis pending any further adjustments that may be justified in the future.

8. As stated in Commission Resolution No. M-4704 dated January 30, 1979, "rate increases, such as for energy...shall be exempt" from wage and price standards. The fuel offset surcharges authorized herein are within this category.

Conclusions of Law

1. The petitions of CTA and the motion filed by it on April 20, 1979 in Case No. 5432 (Petition 1042), et al. should be granted to the extent provided in the following order.
2. The interim cost offset increases authorized herein should be put into effect through the application of surcharges.
3. Since carriers are already paying the increased fuel costs, the order which follows should be made effective on the date hereof, and the surcharge supplements to the various MRTs should be made effective on May 28, 1979.
4. For purposes of tariff distribution, the immediate surcharge amendments to MRTs 1-B, 2, 9-B, 15, and 19 will be provided in the ensuing order and like tariff amendments to the other MRTs will be grouped according to general types of service in supplemental orders.
5. This proceeding should remain open to consider further interim decisions and orders as the circumstances may require.

INTERIM ORDER

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective May 28, 1979, Supplement 143, attached hereto and by this reference made a part hereof.
2. Minimum Rate Tariff 1-B (Appendix B to Decision No. 65834, as amended) is further amended by incorporating therein, to become effective May 28, 1979, Supplement 35, attached hereto and by this reference made a part hereof.
3. Minimum Rate Tariff 9-B (Appendix A to Decision No. 67766, as amended) is further amended by incorporating therein, to become

effective May 28, 1979, Supplement 30, attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 15 (Appendix D to Decision No. 65072, as amended) is further amended by incorporating therein, to become effective May 28, 1979, Supplement 27, attached hereto and by this reference made a part hereof.

5. Minimum Rate Tariff 19 (Appendix A to Decision No. 41363, as amended) is further amended by incorporating therein, to become effective May 28, 1979, Supplement 44, attached hereto and by this reference made a part hereof.

6. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 31606, 65834, 67766, 65072, and 41363, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

7. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariffs 2, 1-B, 9-B, 15, and 19 are authorized to increase such rates by the same amounts authorized by this decision for the respective tariffs.

8. Common carriers maintaining rates on the same level as Minimum Rate Tariffs 2, 1-B, 9-B, 15, and 19 rates for the transportation of commodities and/or for transportation not subject to these tariffs are authorized to increase such rates by the same amounts authorized by this decision for the respective tariff rates.

9. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariffs 2, 1-B, 9-B, 15, and 19 are authorized to increase such rates by the same amounts authorized by this decision for the respective tariff rates.

10. Any provisions currently maintained in common carrier tariffs which are more restrictive than, or which produce charges greater than, those contained in Minimum Rate Tariffs 2, 1-B, 9-B, 15, and 19 are authorized to be maintained in connection with the increased rates and charges directed to be established by Ordering Paragraph 6 hereof.

11. Common carriers maintaining rates not otherwise specifically referred to in other ordering paragraphs of this decision are authorized to increase such rates by the amount of the applicable fuel surcharge granted herein.

12. Tariff publications required to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and made effective May 28, 1979, on not less than two days' notice to the Commission and to the public; ✓ as to tariff publications as are authorized, but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

13. Common carriers, in establishing and maintaining the rates 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 rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

14. Common carriers are authorized to depart from the Commission's tariff circular requirements only to the extent necessary in establishing the surcharge supplements authorized by this order.

15. In all other respects, Decisions Nos. 31606, 65834, 67766, 65072, and 41363, as amended, shall remain in full force and effect.

16. All other interim relief sought by the California Trucking Association in its various petitions in this proceeding and in its motion dated April 20, 1979 is denied.

17. This proceeding shall remain open to consider future decisions and orders by the Commission as the existing circumstances surrounding the present fuel emergency may require.

18. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariffs 2, 1-B, 9-B, 15, and 19.

19. The Executive Director shall serve a copy of each of the tariff amendments on each subscriber to Minimum Rate Tariffs 2, 1-B, 9-B, 15, and 19.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 23rd day of MAY, 1979.

John E. Byrne
resident
James L. Stinson
Richard D. Smith
Commissioners

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

APPENDIX A

LIST OF APPEARANCES

Petitioner: William R. Haerle, Attorney at Law, for California Trucking Association.

Respondents: James L. Beckett, for Valencia Trucking; Allen L. Cole, for Max Binswanger Trucking; Herbert E. Farrer, Attorney at Law, for Miles & Sons Trucking Service, Inc.; Henry Fikse, for Fikse Bros., Inc.; Robert A. Schnapp, for Terri Trucking, Inc.; David C. Williams, for Williams Transportation, Inc.; and William Lana, for S&H Truck Lines, Inc.

Interested Parties: William T. Barklie, for California Portland Cement Company; Phillip G. Blackmore, Jr., for California & Hawaiian Sugar Co.; Jess J. Butcher, for California Manufacturers Association; Asa Button, for Spreckels Sugar Division - Amstar Corp.; H. W. Ehuicott, for Chevron U.S.A., Inc.; James H. Foote, for Associated Independent Owner-Operators, Inc.; Woody Graham, Attorney at Law, for Kaiser Sand & Gravel Co.; Thomas J. Hays, for California Moving & Storage Association; Calhoun E. Jacobson, for Traffic Managers Conference of California; Mike Mallin, for Lone Star Industries; David J. Marchant, Attorney at Law, Dennie W. Reed, Sr., and J. S. (Sam) Snafer, Jr., for California Carriers Association; James D. Martens, for California Dump Truck Owners Association; William D. Maver, for Cannery League of California; Judy B. McNamee, for Kaiser Cement & Gypsum Corporation; William Mitze, for Riverside Cement Co.; Harry C. Phelan, Jr., for California Asphalt Pavement Association; Marion I. Quesenbery, Attorney at Law, for Western Growers Association; P. B. Rogers, for Chevron Chemical Co.; Don B. Shields, for Highway Carriers Association; and Frank Spellman, for himself.

Commission Staff: George H. Morrison and Robert E. Walker.

APPENDIX B
Page 1 of 3

Surcharge increase to be applied to the Commission's several minimum rate tariffs based on a 5, 10, 12, 15, 20 cent and \$1.00 increase per gallon in fuel costs.

C-5432
Per. 1042
et al. /ks

MINIMUM RATE TARIFF	% of increase in minimum rates based on a 5 cent increase in fuel costs	% of increase in minimum rates based on a 10 cent increase in fuel costs	% of increase in minimum rates based on 12 cent increase in fuel cost	% of increase in minimum rates based on a 15 cent increase in fuel cost	% of increase in minimum rates based on a 20 cent increase in fuel costs	% of increase in minimum rates based on \$1.00 increase in fuel costs
2 - Less than 5000 Pounds 5000 Pounds & Over	1/4 1/2	1/2 1	1/2 1- 1/4	3/4 1-1/2	1 2	4-1/2 10-1/2
1-B) 19 () 9-B)	1/2	1	1	1-1/2	1-3/4	8-3/4
3	1	2	2-1/4	3	4	19-1/2
4 Hourly 4 Distance	1/4 1/4	1/4 3/4	1/4 3/4	1/2 1	1/2 1-1/2	3 7-1/4
6-B Items 400,410,420	1	1-3/4	2	2-3/4	3-1/2	17-3/4
7-A	1	2	2-1/2	3-1/4	4-1/4	21
17-A) 20)	1-1/4	2-1/4	2-3/4	3-1/2	4-1/2	22-1/2
8 MTL TL	3/4 1	1-1/2 2	2 2-1/4	2-1/2 3	3-1/4 4	16 19-1/2
10	1-1/4	2-1/4	2-3/4	3-1/2	4-1/2	22-3/4
11-A	1/2	1	1-1/4	1-3/4	2-1/4	11-1/4
12	3/4	1-1/2	1-3/4	2-1/4	3	15-1/4

APPENDIX B
 Page 2 of 3

MINIMUM RATE TARIFF	% of increase in minimum rates based on a 5 cent increase in fuel costs	% of increase in minimum rates based on a 10 cent increase in fuel costs	% of increase in minimum rates based on 12 cent increase in fuel cost	% of increase in minimum rates based on a 15 cent increase in fuel cost	% of increase in minimum rates based on a 20 cent increase in fuel costs	% of increase in minimum rates based on \$1.00 increase in fuel costs
13	1/2	1-1/4	1-1/2	1-3/4	2-1/2	12-1/2
14	1-1/4	2-1/2	3	3-3/4	5	25-1/2
18	1-1/4	2-1/2	3	3-3/4	5	25-1/2

MINIMUM RATE TARIFF 15

Increase mileage rates and charges in
Items 120 (Par. a, mileage charge),
500 and 510 (mileage rates) as follows:

Present rates in cents per mile	Amount of increase in cents per mile based on a 5 cent increase in fuel costs	Amount of increase in cents per mile based on a 10 cent increase in fuel costs	Amount of increase in cents per mile based on a 12 cent increase in fuel costs	Amount of increase in cents per mile based on a 15 cent increase in fuel costs	Amount of increase in cents per mile based on a 20 cent increase in fuel costs	Amount of increase in cents per mile based on a \$1.00 increase in fuel costs
Less than 20	1/2	1/2	1	1	1-1/2	7.0
Over 20 but less than 26	1/2	1	1-1/2	2	2-1/2	12.0
Over 26 but less than 30	1/2	1-1/2	1-1/2	2	3	14.5
Over 30 but less than 40	1	2	2-1/2	3	4	20.0
Over 40	1	2	3	3	4-1/2	23.0

SURCHARGE SUPPLEMENT

SUPPLEMENT 143
(CANCELS SUPPLEMENT 142)

(Supplements 73, 77, 87, 124, 127, 135, 139
140 and 143 Contain All Changes)

TO
MINIMUM RATE TARIFF 2
NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF PROPERTY OVER THE
PUBLIC HIGHWAYS WITHIN THE
STATE OF CALIFORNIA

BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AGRICULTURAL CARRIERS
CEMENT CONTRACT CARRIERS
DUMP TRUCK CARRIERS
AND
HOUSEHOLD GOODS CARRIERS

Decision No.

90225

EFFECTIVE

MAY 26 1973

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

SURCHARGE SUPPLEMENT

SUPPLEMENT 35
(CANCELS SUPPLEMENT 34)

(Supplements 20, 32 and 35 Contain All Changes)

TO
MINIMUM RATE TARIFF 1-B

NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF PROPERTY OVER THE
PUBLIC HIGHWAYS WITHIN AND
BETWEEN THE CITIES OF
ALAMEDA ALBANY BERKELEY
EMERYVILLE OAKLAND PIEDMONT

BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AGRICULTURAL CARRIERS
CEMENT CONTRACT CARRIERS
AND
DUMP TRUCK CARRIERS

Decision No.

90325

EFFECTIVE MAY 26 1976

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

SURCHARGE SUPPLEMENT

SUPPLEMENT 30
(CANCELS SUPPLEMENT 29)

(Supplements 15, 27 and 30 Contain All Changes)

TO
MINIMUM RATE TARIFF 9-B
NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF PROPERTY
OVER THE PUBLIC HIGHWAYS
WITHIN A
DEFINED SAN DIEGO DRAYAGE AREA

BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AGRICULTURAL CARRIERS
CEMENT CONTRACT CARRIERS
AND
DUMP TRUCK CARRIERS

Decision No.

90225

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San Francisco, California 94102

SURCHARGE SUPPLEMENT

SUPPLEMENT 27
(CANCELS SUPPLEMENT 26)

(Supplements 12, 24 and 27 Contain All Changes)

TO
MINIMUM RATE TARIFF 15

NAMING
MINIMUM YEARLY, MONTHLY, WEEKLY AND HOURLY
VEHICLE UNIT RATES AND RULES
FOR THE
TRANSPORTATION OF PROPERTY OVER THE
PUBLIC HIGHWAYS WITHIN THE
STATE OF CALIFORNIA

BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AGRICULTURAL CARRIERS
AND
CEMENT CONTRACT CARRIERS

Decision No.

90725

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San Francisco, California 94102

SURCHARGE SUPPLEMENT

SUPPLEMENT 44
(CANCELS SUPPLEMENT 43)

(Supplements 29, 41 and 44 Contain All Changes)

TO
MINIMUM RATE TARIFF 19

NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF PROPERTY OVER THE
PUBLIC HIGHWAYS
OF THE
CITY AND COUNTY OF SAN FRANCISCO

BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AGRICULTURAL CARRIERS
AND
DUMP TRUCK CARRIERS

Decision No.

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EFFECTIVE MAY 28 1979

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