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ORIGINAL

Decision No. 92071 JUL 29 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Pacific South-)
coast Freight Bureau for Authority)
to Increase California Freight)
Rates and Charges to Cover Fuel)
Cost Increases, Ex Parte No. 311;)
(Tariff X311B).)

Application No. 59707
(Filed June 2, 1980)
(Amendment Filed July 21, 1980)

And Related Matters)

-) Case No. 5330
-) Case No. 5433
-) Case No. 5436
-) Case No. 5437
-) Case No. 5438
-) Case No. 5604
-) Case No. 7857
-) Case No. 8808
-) Case No. 9819
-) Case No. 9820

OPINION AND ORDER

Pacific Southcoast Freight Bureau, on behalf of California common carriers^{1/} participating in its tariffs, requests authority to make effective increases to cover fuel cost increases which became effective May 23, 1980, on interstate traffic in Tariff of Surcharges Account Increases in Fuel Costs X311B.^{2/}

The application seeks a fuel surcharge increase of 0.8 percent to be applied to the increases authorized by Decision 91828, dated May 20, 1980 in Application 59538 (TIRC X375A). Applicant also seeks authority to incorporate the 0.8 percent increase sought herein into the Tariff of Increased Rates and Charges X375B (TIRC X375B). Such incorporation would aid in tariff simplification.

1/ The common carriers are listed in Exhibit A attached to the application and Appendix A of this order.

2/ The increase sought is published in the Tariff of Surcharges Account Increases in Fuel Costs X311B and is set forth in Exhibit B attached to the application.

Exhibit M has been prepared to illustrate increases in fuel expense and related data on intrastate traffic in support of the requested fuel rate increase. In requesting that this application be granted and made effective immediately, carriers state: "(S)ince May 5 until the date of this application, the applicants will have irretrievably lost approximately \$91,000 in much-needed revenues. Each day that goes by without the increase becoming effective will cost the carriers, collectively, additional lost revenues amounting to \$3,248 per day."

It is anticipated that the 0.8 percent increase proposed would increase the annual gross revenue of the applicants by \$1,185,512. The proposed increase will bring intrastate freight rates and charges in line with interstate freight rates and charges. The increased freight rates and charges sought herein will be just and reasonable and are necessary to offset fuel costs being experienced and, as such, are within the President's wage-price guidelines.

The application and amendment were listed on the Commission's Daily Calendars of June 5 and July 23, 1980. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable and justified as indicated in the ensuing order. A public hearing is not necessary. The Commission concludes that the application should be granted. Because applicant has shown a need for the proposed increased surcharges to offset increases in fuel costs for railroad operations presently being incurred, the effective date of this order should be the date hereof.

IT IS ORDERED that:

1. Pacific Southcoast Freight Bureau, on behalf of the common carriers listed in the application, is authorized to establish by appropriate tariff supplements the same increases on California intrastate rates and charges under the same conditions as authorized by orders of the Interstate Commerce Commission as set forth in Tariff of Surcharges Account Increases in Fuel Costs X311B (Ex Parte 311 B).

2. Pacific Southcoast Freight Bureau, on behalf of the common carriers listed in the application, is authorized to incorporate the 0.8 percent fuel surcharge into the Tariff of Increased Rates and Charges X375B.

3. The Tariff of Surcharges Account Increases in Fuel Costs X311B - 0.8 percent - shall be cancelled upon the effectiveness of the Tariff X375B.

4. Tariff publications authorized to be made as a result of the foregoing authority shall be filed not earlier than the effective date of this order and may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and to the public, and said authority shall expire unless exercised within sixty days after the effective date of this order. To the extent that departure from the terms and rules of General Orders 80-Series and 125-Series is required to accomplish such publications, authority for such departure is hereby granted.

5. Nothing in this opinion and order constitutes a finding of fact regarding the reasonableness of any particular rate or charge filed pursuant to this order, and applicant, by reason of this declaration, has no ground to contend to the contrary in any proceeding under Section 734 of the Public Utilities Code or in any other proceeding.

6. Common carriers maintaining, under outstanding authorization permitting the alternative use of rail rates, rates below the otherwise applicable minimum rate levels named in the Commission's Minimum Rate Tariffs 3-A, 4-B, 6-B, 7-A, 8-A, 12-A, 14-A, 17-A, 18 and/or 20 are authorized and directed to increase such rates to the level of the rail rates established pursuant to the authority granted in paragraphs 1 and 2 hereof or to the level of the otherwise applicable specific minimum rates, whichever is lower. To the extent such common carriers have maintained such rates

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at differentials above previously existing rail rates, they are authorized to increase such rates by the amounts authorized in paragraphs 1 and 2 hereof, provided, however, that such increased rates may not be lower than the rates established by the rail lines pursuant to the authority granted in paragraphs 1 and 2 hereof, nor higher than the otherwise applicable minimum rates.

7. Common carriers maintaining under outstanding authorizations permitting the alternative use of rail rates, rates based on rail rates which have been cancelled and which are below the specific minimum rate levels otherwise applicable are hereby directed to increase such rates to applicable minimum rate levels and to abstain from publishing or maintaining in their tariff rates, charges, rules and accessorial charges lower in volume or effect than those established in rail tariffs or the applicable minimum rates, whichever are lower.

8. Tariff publications required or authorized to be made by common carriers as a result of paragraph 6 may be made effective not earlier than the fifth day after the publication by applicant made pursuant to the authority granted in paragraphs 1 and 2 hereof, on less than five days' notice to the Commission and to the public; and such tariff publications as are required shall be made effective not later than thirty days after the effective date of the tariff publications made by applicant pursuant to the authority granted in paragraphs 1 and 2.

9. Tariff publications required to be made by common carriers, as a result of paragraph 7 hereof, shall be filed not earlier than the effective date of this order on not less than five days' notice to the Commission and to the public and shall be made effective not later than thirty days after the effective date of this order.

10. In making tariff publications authorized or required by paragraphs 6 through 9, inclusive, common carriers are authorized to depart from the terms and rules of General Order No. 80-Series to the extent necessary to comply with said ordering paragraphs.

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11. Applicant and common carriers, in establishing and maintaining the rates authorized hereinabove, 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.

The effective date of this order is the date hereof.

Dated JUL 29 1980, at San Francisco, California.

John E. Bryson
President

Bertram L. Sturgeon

Richard D. Howell

Edward W. Jensen

Clare T. Pappalardo
Commissioner

APPENDIX A

Alameda Belt Line	(a California Corporation)
Almanor Railroad Company	(a California Corporation)
Amador Central Railroad Company	(a California Corporation)
Arcata & Mad River Railroad Company (The)	(a California Corporation)
Atchison, Topeka and Santa Fe Railway Company (The)	(a Kansas Corporation)
Burlington Northern	(a Delaware Corporation)
California Western Railroad Camino, Placerville and Lake Tahoe Railroad Company	(a California Corporation)
Central California Traction Company	(a California Corporation)
Fikse Brothers Incorporated	(a California Corporation)
Harbor Belt Line Railroad	(unincorporated)
Holton Inter-Urban Railway Company	(a California Corporation)
Los Angeles Junction Railway Company	(a California Corporation)
McCloud River Railroad Company	(a California Corporation)
Miles & Sons Trucking Service	(a California Corporation)
Modesto & Empire Traction Company	(a California Corporation)
Northwestern Pacific Railroad Company	(a California Corporation)
Oakland Terminal Railway (The)	(a California Corporation)
Pacific Motor Trucking Company	(a California Corporation)
Petaluma and Santa Rosa Railroad Company	(a California Corporation)
Quincy Railroad Company	(a California Corporation)
Sacramento Northern Railway	(a California Corporation)
Santa Fe Trail Transportation Company (The)	(a Kansas Corporation)
Santa Maria Valley Railroad Company	(a California Corporation)
Sierra Railroad Company	(a California Corporation)
Southern Pacific Transportation Company	(a Delaware Corporation)
Stockton Terminal & Eastern Railroad	(a California Corporation)
Sunset Railway	(a California Corporation)
Tidewater Southern Railway Company	(a California Corporation)
Trona Railway Company	(a California Corporation)
Union Pacific Railroad	(a Utah Corporation)
Ventura County Railway Company	(a California Corporation)
Visalia Electric Railroad Company	(a California Corporation)
Western Pacific Railroad System (The)	(a Delaware Corporation)
Yreka Western Railroad Company	(a California Corporation)

(END OF APPENDIX A)