

LOUISIANA PUBLIC SERVICE COMMISSION

SPECIAL ORDER NUMBER 46-2005 (CORRECTED)

LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE

In re: Discussion and possible vote on Fuel Surcharge Schedule affecting all intrastate jurisdictional transportation companies.

(Decided at the Commission's Business and Executive Session held October 19, 2005)

Due to requests by intrastate motor carriers to apply a fuel surcharge to their rates in light of the high fuel costs that they are experiencing at this time, the following Uniform Fuel Surcharge Schedule was developed and is to be applied by all intrastate jurisdictional transportation companies.

Rule 51 of the Commission's Rules of Practice and Procedure permit the Commission, in its sound discretion, to authorize temporary rates after such proceedings and upon such conditions as it finds to be just and practicable. Considering the high fuel costs, it is just and practicable to adopt the proposed Uniform Fuel Surcharge Schedule on a temporary basis.

This matter was considered at the Commission's Business and Executive Session held on October 19, 2005. On motion of Commissioner Field, seconded by Commissioner Blossman, and unanimously adopted, the Commission voted to implement the Uniform Fuel Surcharge Schedule.

The Uniform Fuel Surcharge Schedule is based on the fuel surcharge schedule from the Commission's General Order dated March 25, 2003, *In re: Request by Towing and Recovery Professionals of Louisiana for emergency relief in fuel surcharge in light of increasing fuel prices*. The proposed Uniform Fuel Surcharge is as follows:

Fuel Prices up to \$0.90 per gallon	3% reduction
Fuel Prices \$0.91 to \$1.24 per gallon	No reduction or surcharge
Fuel Prices \$1.25 to \$1.99 per gallon	3% surcharge
Fuel Prices \$2.00 to \$2.24 per gallon	4% surcharge
Fuel Prices \$2.25 to \$2.49 per gallon	5% surcharge
Fuel Prices \$2.50 to \$2.74 per gallon	6% surcharge
Fuel Prices \$2.75 to \$2.99 per gallon	7% surcharge
Fuel Prices \$3.00 to \$3.24 per gallon	8% surcharge
Fuel Prices \$3.25 to \$3.49 per gallon	9% surcharge
Fuel Prices \$3.50 to \$3.74 per gallon	10% surcharge
Fuel Prices \$3.75 to \$3.99 per gallon	11% surcharge
Fuel Prices \$4.00 to \$4.24 per gallon	12% surcharge
Fuel Prices \$4.25 to \$4.49 per gallon	13% surcharge
Fuel Prices \$4.50 to \$4.74 per gallon	14% surcharge
Fuel Prices \$4.75 to \$4.99 per gallon	15% surcharge
Fuel Prices \$5.00 and greater	16% surcharge

The surcharge will be based on the average price of self-service fuel, as determined, based upon the price reported by the U. S. Department of Energy (DOE) for the Petroleum Administration for Defense District 3 (Gulf Coast).

Carriers that have filed for and been granted a base rate increase, with a portion of that increase attributable to fuel costs, during the six months prior to the date of this Order, are excluded from

using this schedule; as the fuel costs are already being recouped through base rates. However, a carrier that has received such a base rate increase may apply to the Commission for authorization to use the Uniform Fuel Surcharge Schedule upon proving to the Commission that the base rate increase received by the carrier is insufficient to recover its fuel costs and the above Uniform Fuel Surcharge Schedule is preferable to the carrier.

Also, a carrier that currently has a fuel surcharge schedule in its tariff may choose between that tariff and the Uniform Fuel Surcharge Schedule. The carrier must notify the Commission in writing as to which schedule the carrier will apply and this notice will be kept on file with the carrier's tariff.

This Uniform Fuel Surcharge Schedule supercedes the Fuel Surcharge Schedule in the Commission's General Order dated March 25, 2003, *In re: Request by Towing and Recovery Professionals of Louisiana for emergency relief in fuel surcharge in light of increasing fuel prices*, for as long as the Uniform Fuel Surcharge Schedule is in effect.

This Uniform Fuel Surcharge Schedule is adopted on a temporary basis and will remain in effect until further notice by this Commission. The Commission reserves its right to conduct any audits or investigations that it deems necessary and order refunds, if applicable. Carriers that abuse the application of the Uniform Fuel Surcharge Schedule will be treated harshly, as this will be viewed as a form of price gouging due to the fact that consumers are also bearing the burden of high fuel and energy costs at this time.

SO ORDERED.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
November 8, 2005**

/S/ C. DALE SITTIG
DISTRICT IV
CHAIRMAN C. DALE SITTIG

/S/ JAMES M. FIELD
DISTRICT II
VICE CHAIRMAN JAMES M. FIELD

/S/ JACK "JAY" A. BLOSSMAN
DISTRICT I
COMMISSIONER JACK "JAY" A. BLOSSMAN

/S/ FOSTER L. CAMPBELL
DISTRICT V
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**_____
LAWRENCE C. ST. BLANC
SECRETARY**

/S/ LAMBERT C. BOISSIERE, III
DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III