

ORIGINAL

Decision No. 60840

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|                                     |   |                                  |
|-------------------------------------|---|----------------------------------|
| In the Matter of the Investigation  | } |                                  |
| into the rates, rules, regulations, | } |                                  |
| charges, allowances and practices   | } |                                  |
| of all common carriers, highway     | } |                                  |
| carriers and city carriers relating | } | Case No. 5437                    |
| to the transportation of sand,      | } | Petition for Modification No. 67 |
| rock, gravel and related items      | } |                                  |
| (commodities for which rates are    | } |                                  |
| provided in Minimum Rate Tariff     | } |                                  |
| No. 7).                             | } |                                  |

SUPPLEMENTAL OPINION AND ORDER

By this petition, filed September 7, 1960, the California Dump Truck Owners Association seeks modification of Minimum Rate Tariff No. 7 by the establishment of a new production area in Carlsbad, with rates for the transportation of asphaltic concrete from said production area to San Diego County zones.

The petition states that South Coast Asphalt Products Company, Inc., has constructed an asphaltic concrete plant adjacent to State Highway 78 approximately 3 miles easterly of U. S. Highway 101, in the City of Carlsbad; that the plant has a production capacity in excess of 15,000 tons per month; and that it expects to market this commodity in the northern San Diego County area.

Petitioner alleges that both shipper and carriers believe the establishment of zone rates would be beneficial for themselves and to the public generally because presently available hourly or distance rates require supervision and involve uncertainties which cause costly expense; that producers of the same commodities in Escondido and Oceanside serving the same delivery areas now enjoy zone rates; and that establishment of the rates proposed would remove rate discrimination.

The petition specifies the proposed rates in detail, and includes traverse times, computations of the round trip running times between said production area and San Diego County delivery zones, and a sketch and territorial description of the proposed production area. Petitioner states that the proposed rates have been calculated by petitioner's manager in accordance with standard procedures and existing rate formulas utilized to develop and establish similar zone rates in the same area for transportation of the same commodity.

The petition shows that it is supported by the affected shipper, South Coast Asphalt Products Company, Inc., and that Southern California Asphalt Plant Association has no objection to the proposals. Petitioner states that the matter is believed to be noncontroversial and that extensive precedent for such rates has been established by Commission decisions regarding similar proposals.

It is clear from the facts recited in this petition that the establishment of zone rates as proposed would do no more than provide, from a new point of production, rates of the same kind and character as are already available from established competing points of production in the same general area. To withhold or unnecessarily delay the establishment of the requested rates would be to deprive the affected shipper of rate bases heretofore established as reasonable for the competing shippers.

In view of these circumstances, and in light of the indicated endorsement of the proposals by carrier and shipper associations, it is concluded that this is a matter in which a public hearing is not required.

In the circumstances, it appears, and the Commission finds, that the proposed revisions will result in just, reasonable and nondiscriminatory minimum rates and charges. The petition will be granted.

Therefore, good cause appearing,

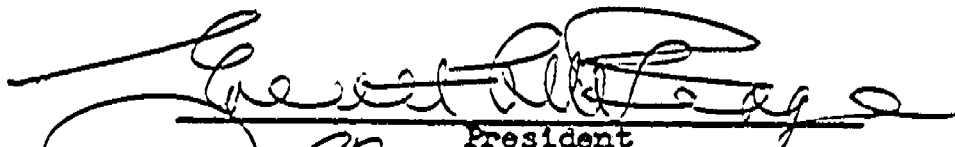
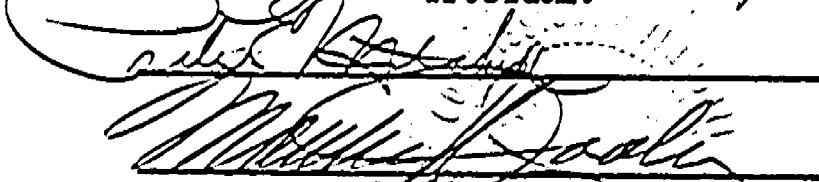
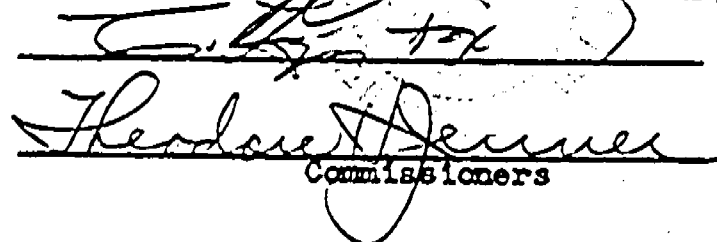
IT IS ORDERED:

(1) That Minimum Rate Tariff No. 7 (Appendix "A" to Decision No. 32566, as amended) is further amended by incorporating therein, to become effective November 19, 1960, Fourth Revised Page 33-L and Seventh Revised Page 38-P, which revised pages are attached hereto and by this reference made a part hereof.

(2) That, in all other respects, said Decision No. 32566, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of October, 1960.

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

| Area No. | SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)   |
|----------|---|
|          | APPLICATION OF TARIFF-TERRITORIAL (Concluded)<br>SAN DIEGO COUNTY-PRODUCTION AREAS  |
| A        | Beginning at a point on Camino Del Rio (U.S. No. 80) one-half ( $\frac{1}{2}$ ) mile easterly of the intersection of Camino Del Rio (U.S. No. 80) and Texas Street (Sand-Rock Grade); thence due north to Friars Road; thence westerly along a direct line to Murray Canyon Road at a point one-half ( $\frac{1}{2}$ ) mile north-easterly of the intersection of Friars Road and Murray Canyon Road; thence continuing westerly along said direct line to its intersection with a line 500 feet northwesterly of and equidistant from Murray Canyon Road; southwesterly along said line to its intersection with Cabrillo Freeway (U.S. No. 395); southerly along Cabrillo Freeway (U.S. No. 395) to Camino Del Rio (U.S. No. 80); northeasterly along Camino Del Rio (U.S. No. 80) to the point of beginning. |
| B        | Beginning at the intersection of Fairmount Extension and Camino Del Rio (U.S. No. 80); northerly along Fairmount Extension a distance of one-half ( $\frac{1}{2}$ ) mile; westerly along a direct line to the intersection of Friars Road and Ward Road; southerly along Ward Road to Camino Del Rio (U.S. No. 80); easterly along Camino Del Rio (U.S. No. 80) to the point of beginning.  |
| C        | Includes the area within the boundary of a circle of one-half ( $\frac{1}{2}$ ) mile radius, the center of which is located on Mission Gorge Road two and seven-tenths (2.7) miles north-easterly of the intersection of Camino Del Rio (U.S. No. 80) and Fairmount Extension; measured along Fairmount Extension and Mission Gorge Road.   |
| D        | Beginning at the intersection of Main Street and Beyer Way; westerly along Main Street to the San Diego and Arizona Eastern Railway Company right-of-way; southerly along the San Diego and Arizona Eastern Railway Company right-of-way to Palm Avenue; easterly along Palm Avenue to Beyer Way; northerly along Beyer Way to the point of beginning.  |
| I        | Beginning at the intersection of Cabrillo Highway (U.S. No. 101) and the south bank of the San Luis Rey River; easterly along the south bank of the San Luis Rey River to its intersection with the northerly prolongation of McNeil Street; southerly along said prolongation and along McNeil Street to its intersection with Cabrillo Highway (U.S. No. 101); northwesterly along said Highway to the point of beginning.  |
| J        | Beginning at Washington Avenue and Quince Street, within the City of Escondido; thence southerly along Quince Street to its intersection with Grand Avenue; thence westerly along Grand Avenue to its intersection with Tulip Street; thence northwesterly along Tulip Street to its intersection with Hale Avenue; thence northeasterly along Hale Avenue to its intersection with Washington Avenue; thence easterly along Washington Avenue to the point of beginning.   |
| #K       | Lot "J" of Rancho Hedionda of City of Carlsbad, County of San Diego, State of California, according to patent of said Rancho recorded in Book 1, Page 150 of Patents.   |

# Addition, Decision No.

60840

EFFECTIVE NOVEMBER 19, 1960

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 831

-33-L-

| Item No.                  | SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES<br>IN CENTS PER TON (Continued)                                |                                    |         |        |                                       |        |     |   |                                    |     |     |                                       |     |     |
|---------------------------|--|------------------------------------|---------|--------|---------------------------------------|--------|-----|---|------------------------------------|-----|-----|---------------------------------------|-----|-----|
|                           | MATERIAL, viz.:<br>Asphaltic Concrete (commonly called "Hot Stuff"),<br>Cold Road Oil Mixture (commonly called "Plant Mix"). |                                    |         |        |                                       |        |     |   |                                    |     |     |                                       |     |     |
|                           | TO<br>(1) San Diego County Delivery Zones  | FROM                               |         |        |                                       |        |     | TO<br>(1) San Diego County Delivery Zones | FROM                               |     |     |                                       |     |     |
|                           |  | (2) Orange County Production Areas |         |        | (1) San Diego County Production Areas |        |     |   | (2) Orange County Production Areas |     |     | (1) San Diego County Production Areas |     |     |
|                           |  | A                                  | B       | D      | I                                     | J      | #6K |   | A                                  | B   | D   | I                                     | J   | #6K |
| *288-G                    | 29   | 186                                | 111     | 200    | 106                                   | 198    | 132 | 59  | 345                                | 270 | 357 | 150                                   | 53  | 113 |
| Cancels                   | 30   | 200                                | 125     | 213    | 94                                    | 184    | 119 | 60  | 354                                | 270 | 357 | 159                                   | 52  | 121 |
| 288-E                     | 31   | 213                                | 138     | 226    | 81                                    | 171    | 105 | 61  | 368                                | 285 | 373 | 175                                   | 65  | 137 |
|                           | 32   | 224                                | 147     | 235    | 69                                    | 160    | 94  | 62  | 361                                | 289 | 377 | 170                                   | 84  | 150 |
|                           | 33   | 237                                | 161     | 248    | 57                                    | 148    | 83  | 63  | 343                                | 271 | 359 | 151                                   | 100 | 144 |
|                           | 34   | 299                                | 218     | 306    | 109                                   | 199    | 134 | 64  | 329                                | 258 | 347 | 138                                   | 113 | 132 |
|                           | 35   | 298                                | 218     | 306    | 106                                   | 199    | 141 | 65  | 316                                | 244 | 332 | 123                                   | 129 | 119 |
|                           | 36   | 280                                | 202     | 289    | 89                                    | 178    | 127 | 66  | 353                                | 279 | 366 | 161                                   | 53  | 122 |
|                           | 37   | 255                                | 180     | 269    | 65                                    | 156    | 92  | 67  | 339                                | 264 | 352 | 145                                   | 130 | 130 |
|                           | 38   | 253                                | 177     | 265    | 54                                    | 140    | 66  | 68  | 338                                | 264 | 352 | 143                                   | 119 | 127 |
|                           | 39   | 264                                | 188     | 276    | 68                                    | 126    | 59  | 69  | 356                                | 282 | 369 | 161                                   | 103 | 146 |
|                           | 40   | 276                                | 202     | 289    | 82                                    | 140    | 75  | 70  | 364                                | 298 | 387 | 179                                   | 81  | 146 |
|                           | 41   | 288                                | 213     | 300    | 94                                    | 152    | 87  | 71  | 353                                | 281 | 368 | 163                                   | 64  | 129 |
|                           | 42   | 299                                | 224     | 312    | 105                                   | 144    | 98  | 72  | 340                                | 269 | 356 | 150                                   | 51  | 116 |
|                           | 43   | 312                                | 238     | 325    | 116                                   | 140    | 110 | 73  | 291                                | 217 | 305 | 97                                    | 92  | 60  |
|                           | 44   | 324                                | 248     | 336    | 127                                   | 156    | 122 | 74  | 281                                | 205 | 293 | 85                                    | 100 | 49  |
|                           | 45   | 363                                | 287     | 375    | 167                                   | 180    | 152 | 75  | 273                                | 198 | 285 | 77                                    | 110 | 45  |
|                           | 46   | 343                                | 271     | 359    | 149                                   | 166    | 134 | 76  | 311                                | 245 | 333 | 122                                   | 172 | 139 |
|                           | 47   | 325                                | 249     | 337    | 130                                   | 145    | 113 | 77  | 329                                | 234 | 322 | 133                                   | 185 | 141 |
|                           | 48   | 314                                | 239     | 326    | 119                                   | 133    | 102 | 78  | 186                                | 110 | 199 | 120                                   | 219 | 146 |
|                           | 49   | 322                                | 247     | 335    | 126                                   | 139    | 113 | 79  | 198                                | 122 | 210 | 132                                   | 232 | 161 |
|                           | 50   | 303                                | 229     | 318    | 109                                   | 124    | 93  | 80  | 200                                | 124 | 212 | 134                                   | 235 | 161 |
|                           | 51   | 293                                | 217     | 305    | 97                                    | 124    | 100 | 81  | 203                                | 134 | 215 | 125                                   | 224 | 159 |
|                           | 52   | 280                                | 204     | 292    | 85                                    | 137    | 99  | 82  | 198                                | 122 | 210 | 111                                   | 212 | 144 |
|                           | 53   | 269                                | 193     | 281    | 73                                    | 147    | 89  | 83  | 204                                | 137 | 216 | 127                                   | 226 | 162 |
|                           | 54   | 301                                | 226     | 314    | 106                                   | 102    | 70  | 84  | 217                                | 141 | 229 | 122                                   | 213 | 147 |
|                           | 55   | 302                                | 238     | 325    | 108                                   | 112    | 82  | 85  | 233                                | 158 | 245 | 106                                   | 198 | 132 |
|                           | 56   | 305                                | 231     | 319    | 110                                   | 78     | 75  | 86  | 226                                | 150 | 239 | 82                                    | 172 | 107 |
|                           | 57   | 319                                | 244     | 332    | 124                                   | 64     | 87  | 87  | 237                                | 161 | 248 | 93                                    | 181 | 118 |
|                           | 58   | 329                                | 254     | 341    | 135                                   | 54     | 98  | 88  | 249                                | 174 | 261 | 105                                   | 191 | 131 |
|                           |  |                                    |         |        |                                       |        |     | 89  | 266                                | 190 | 279 | 96                                    | 178 | 132 |
| 289-D<br>Cancels<br>289-C | MATERIAL as described in Item No. 288.   |                                    |         |        |                                       |        |     |   |                                    |     |     |                                       |     |     |
|                           | (1) FROM San Diego County Production Area indicated.   |                                    |         |        |                                       |        |     |   |                                    |     |     |                                       |     |     |
|                           | (2) TO Orange County Delivery Zones shown below.   |                                    |         |        |                                       |        |     |   |                                    |     |     |                                       |     |     |
|                           | To Zone  | From I                             | To Zone | From I | To Zone                               | From I |     |   |                                    |     |     |                                       |     |     |
| 19C                       | 163  | 20B                                | 195     | 22     | 138                                   |        |     |   |                                    |     |     |                                       |     |     |
| 19D                       | 152  | 20C                                | 206     | 23A    | 131                                   |        |     |   |                                    |     |     |                                       |     |     |
| 20A                       | 181  | 21                                 | 171     | 23B    | 120                                   |        |     |   |                                    |     |     |                                       |     |     |

- (1) For descriptions of San Diego County Production Areas and Delivery Zones see Pages 33-B to 33-L, inclusive.
- (2) For descriptions of Orange County Production Areas and Delivery Zones see Pages 28 to 33-A, inclusive.

\* Change )  
# Addition ) Decision No. 50840  
o Reduction )

EFFECTIVE NOVEMBER 19, 1960

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 832