

ORIGINAL

Decision No. 63635

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
into the constructive mileages and )  
related rules and provisions of all )  
common carriers, highway carriers )  
and city carriers relating to the )  
transportation of any and all com- )  
modities between all points in )  
California (including, but not )  
limited to, constructive mileages )  
provided in the Distance Table). )

Case No. 7024  
(Petition for Modifica-  
tion No. 2)  
(Filed March 7, 1962)

OPINION AND ORDER

By the above-numbered petition for modification, California Trucking Associations, Inc., seeks the establishment of constructive mileages in the Commission's Distance Table No. 4 to and from certain points located in the vicinity of Riverton in El Dorado County.<sup>1</sup> Present provisions of Distance Table No. 4 do not include these points nor are the roads connecting said points with Riverton shown on the maps which constitute a portion of the distance table. The rules of the distance table currently provide that actual highway mileage shall be used in such circumstances.

Petitioner states that the necessity for providing reasonable and suitable constructive mileages between the points involved has been created by the recent establishment of water-storage and hydro-electric power generating facilities in the area. Petitioner alleges that mileages computed under the present rules are unreasonable and insufficient and that distance rates determined

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<sup>1</sup> These points are: Ice House Dam, Jaybird Powerhouse, Jaybird Tunnel, Junction Dam, Marin Rock Plant and Union Valley Dam.

therefrom, under the provisions of the various minimum rate tariffs subject thereto, are correspondingly unreasonable and insufficient.<sup>2</sup> Petitioner states that there is no adequate or practical way to rectify this situation other than by appropriate amendment of Distance Table No. 4.

Petitioner states that it is informed and believes that in the development of constructive mileages as provided in Distance Table No. 4, the Commission utilized a formula for the conversion of actual highway miles into constructive mileage; that such formula is applicable to the situation presented herein; and that application of such formula would permit the establishment of reasonable constructive mileages between Riverton and the other points in question. Attached to the petition are two suggested forms of revision by which an amendment of Distance Table No. 4 may be accomplished. The constructive mileages between the points proposed to be included and Riverton, according to petitioner, are ascertainable from facts which are within the official knowledge of the Commission or which may be readily ascertained by its staff.

Appropriate mileages have been developed and determined as set forth in a report prepared by the Engineering Economics Branch of the Commission's Transportation Division staff. The staff report is received in evidence in this proceeding as Exhibit No. 1.

Upon consideration of the evidence in this proceeding, it appears and the Commission finds, (1) that the constructive mileages set forth in the attached supplement are reasonable and justified; (2) that the proposed revisions of Distance Table No. 4, when

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<sup>2</sup> The Commission tariffs subject to Distance Table No. 4 for computation of distances between points in California are Minimum Rate Tariffs Nos. 2, 3-A, 4-A, 6, 8, 10, 11-A and 12.

applied in conjunction with the minimum rate tariffs subject thereto, will result in just, reasonable and nondiscriminatory rates for transportation governed by said tariffs; and (3) that, to the extent the provisions of Distance Table No. 4 heretofore have been found to constitute reasonable rules, regulations and distances for common carriers as defined in the Public Utilities Code, the provisions of said distance table as hereinafter modified are, and will be, reasonable minimum provisions for said carriers; and that to this same extent existing rules, regulations and distances which are maintained by said common carriers for intrastate transportation within California are and, for the future, will be unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the cost of other means of transportation insofar as they are lower in volume or effect than those set forth in Distance Table No. 4, as hereinafter adjusted.

A public hearing is not deemed necessary. The petition will be granted.

Good cause appearing,

IT IS ORDERED that:

1. Distance Table No. 4 (Appendix "A" of Decision No. 46022, as amended) is hereby further amended by incorporating therein, to become effective June 16, 1962, Supplement No. 8 attached hereto and by this reference made a part hereof.

2. Tariff publications required to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and shall be made effective not later than June 16, 1962.

3. Common carriers are hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, Section 460 of the Public Utilities Code, and from the provisions of Tariff Circular No. 2 and General Order No. 80, to the extent necessary to carry out the effect of the order herein.

4. In all other respects said Decision No. 46022, as amended, shall remain in full force and effect.

Dated at San Francisco, California, this 1st day of May, 1962.

Ernest All Rags  
President  
John E. Mitchell  
E. Lynn Fox  
George L. Grover  
Frederick B. Hale  
Commissioners

SUPPLEMENT NO. 8

(Supplements Nos. 4, 5, 6, 7 and 8 Contain All Changes)

TO

DISTANCE TABLE NO. 4

Containing

REGULATIONS, MILEAGE TABLES, AND MAPS

FOR THE DETERMINATION OF

HIGHWAY CONSTRUCTIVE MILEAGE DISTANCES

Between

POINTS WITHIN THE STATE OF CALIFORNIA

Constructive mileages between the following points in El Dorado County are and, for the future, will be:

| <u>Between Riverton and:</u> | <u>Constructive<br/>Mileages</u> |
|------------------------------|----------------------------------|
| Ice House Dam                | 19.0                             |
| Jaybird Powerhouse           | 37.0                             |
| Jaybird Tunnel               | 25.0                             |
| Junction Dam                 | 23.0                             |
| Marin Rock Plant             | 16.0                             |
| Union Valley Dam             | 24.0                             |

The above mileages shall be used as bases in determining the constructive mileages from and to Ice House Dam, Jaybird Powerhouse, Jaybird Tunnel, Junction Dam, Marin Rock Plant and Union Valley Dam.

Decision No. 63635

EFFECTIVE JUNE 16, 1962

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