

Decision No. 65480

**ORIGINAL**

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 )  
to the transportation of sand, )  
rock, gravel and related items )  
(commodities for which rates are )  
provided in Minimum Rate Tariff )  
No. 7). )

Case No. 5+37  
(Petition for Modification No. 92)  
(Filed April 2, 1963)

OPINION AND ORDER

By this petition, the California Dump Truck Owners Association seeks modification of Minimum Rate Tariff No. 7 by the establishment of a new production area in Orange County as well as zone rates for the transportation of asphaltic concrete therefrom to Orange County delivery zones.

According to the petition, Industrial Asphalt, Inc., has constructed a new asphaltic concrete plant in the vicinity of the City of Santa Ana and plans to ship several thousands of tons of asphaltic concrete per month from this new facility. It plans to market the commodities produced at this new facility in the Orange County area, using for-hire carriers for the transportation involved. Petitioner alleges that zone rates for the transportation of asphaltic concrete from the new production area are not now available; that the only alternatives are mileage and hourly rates which both shipper and carriers believe require costly supervision and contain uncertainties; that producers of the same commodities in the same marketing area now have zone rates which apply in Orange County for similar transportation services; and that the establishment of zone rates from the new

facility would avoid rate discrimination. Petitioner declares that it believes the proposal to be a noncontroversial matter, and that the Commission has adequately established precedent for the establishment of the sought zone rates.

The petition specifies the proposed rates in detail, and includes traverse times, computations of the round-trip running times between the proposed production area and Orange County delivery zones, and a sketch and territorial description of said production area. The proposed rates are developed in accordance with the formula heretofore utilized by the Commission in the development of zone rates for movements of asphaltic concrete in the Orange County area.

Copies of the verified petition were mailed by petitioner, on or about March 28, 1963, to various contractors, shippers, carriers and other interested parties, including the California Trucking Association. No objection to its being granted has been received. The petition shows that it is supported by the shipper, Industrial Asphalt, Inc.

On the basis of the facts recited in this petition, it is clear 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 the circumstances, it appears, and the Commission finds, that the proposed revisions are reasonable, and that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum

rates for the transportation of asphaltic concrete in dump trucks from the proposed production area hereinafter designated as Orange County Production Area N to various Orange County delivery zones, all as described in Minimum Rate Tariff No. 7. This is a matter in which a public hearing is not required. The petition will be granted.

Good cause appearing,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective July 13, 1963, Third Revised Page 33-A-1, Eleventh Revised Page 38-Q and Fifth Revised Page 38-Q-1 attached hereto and by this reference made a part hereof.

2. 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 28th day of May, 1963.

John L. Mitchell President  
Frederick B. Hollhoff Acting President  
William W. Bunker

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

Area No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES (Continued)
	<p data-bbox="394 463 1291 536">APPLICATION OF TARIFF - TERRITORIAL (Continued) ORANGE COUNTY - PRODUCTION AREAS (Concluded)</p> <p data-bbox="343 562 1509 828">Beginning at the prolongation of Jefferson Street and the Santa Ana River; thence northerly along said prolongation and Jefferson Street to State Highway No. 14; thence westerly along State Highway No. 14 to its intersection with the southerly prolongation of Red Gum Street; thence southerly along said prolongation of Red Gum Street to the Santa Ana River; thence easterly along the Santa Ana river to point of beginning.</p> <p data-bbox="343 861 1436 1127">Beginning at the intersection of Walnut and Taylor Streets; thence west on Walnut Street to its intersection with Van Buren Street; thence south on the southerly extension of Van Buren Street to its intersection with the Santa Ana River; thence northeasterly on the Santa Ana River to its intersection with the southerly extension of Taylor Street; thence north on said extension of Taylor Street to the point of beginning.</p> <p data-bbox="343 1161 1496 1479">Beginning at the intersection of the easterly extension of Wagner Avenue and the Santa Ana River; thence westerly along said extension and along Wagner Avenue to its intersection with Rio Vista Street; thence southwesterly along a direct line to the intersection of Eaton Way and Ball Road; thence southerly along Eaton Way to Taft Avenue; thence easterly along Taft Avenue and the easterly extension thereof to the intersection of said extension with the Santa Ana River; thence northeasterly along the Santa Ana River to the point of beginning.</p> <p data-bbox="343 1512 1479 1721">Beginning at the intersection of Warner Avenue and Grand Avenue in the city of Santa Ana; thence north along Grand Avenue to a point exactly seven hundred feet north of said intersection; thence due west to Standard Avenue; thence south along Standard Avenue to Warner Avenue; thence east along Warner Avenue to the point of beginning.</p>
	<p data-bbox="355 1843 809 1877">* Addition, Decision No. <b>65480</b></p>
	<p data-bbox="901 1955 1345 1989">EFFECTIVE JULY 13, 1963</p>
<p data-bbox="211 2033 1521 2130">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p data-bbox="211 2093 548 2127">Correction No. 969</p>	

Item No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES IN CENTS PER TON (Continued)							
	MATERIAL, viz.: Asphaltic Concrete (commonly called "Hot Stuff"), Cold Road Oil Mixture (commonly called "Plant Mix").							
	TO (1)Orange County Delivery Zones	FROM (1)Orange County Production Areas						
	A	B	D	G	I	J	K	*8N
1	64	138	63	87	110	89	70	74
2A	68	125	77	97	100	99	84	63
2B	84	138	84	110	85	85	95	66
2C	70	119	63	95	94	70	71	79
2D	71	156	49	80	112	85	55	86
3A	51	116	73	86	123	105	73	83
3B	59	153	80	95	134	119	81	89
4A	95	137	91	121	71	96	105	55
4B	78	111	89	107	86	108	95	48
4C	77	106	93	111	103	114	98	63
4D	87	120	95	118	98	124	109	62
5A	86	165	62	97	104	71	66	97
5B	85	162	78	104	85	59	83	89
5C	95	151	86	118	75	70	91	79
5D	105	159	97	131	62	76	107	72
6A	89	176	65	91	113	85	64	107
6B	83	171	62	80	122	93	55	105
6C	87	177	75	75	138	113	68	108
6D	72	164	58	64	130	102	57	94
7A	116	204	96	116	114	112	89	136
7B	112	208	94	110	116	116	93	135
7C	96	186	78	90	135	105	72	115
7D	99	190	82	100	132	98	80	122
7E	111	204	93	120	118	98	103	132
9A	116	189	92	118	98	67	86	123
9B	107	181	82	105	102	71	75	109
10A	106	176	80	109	90	56	82	107
10B	98	173	89	114	80	49	91	99
10C	104	165	98	129	64	59	103	91
10D	119	162	111	138	51	68	113	80

6290

(1) For Descriptions of Orange County Production Areas and Delivery Zones, see Pages 28 to 33-A-1, inclusive.

} Change  
 \* Addition  
 } Decision No. 65480  
 } Reduction

EFFECTIVE JULY 13, 1963

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 970

Item No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES IN CENTS PER TON (Continued)								
	MATERIAL, viz.: Asphaltic Concrete (commonly called "Hot Stuff"), Cold Road Oil Mixture (commonly called "Plant Mix").								
	TO (1) Orange County Delivery Zones	FROM (1) Orange County Production Areas							
	A	B	D	C	I	J	K	*6N	
\$290.5	11A	119	193	98	124	90	59	97	123
	11B	116	194	102	135	84	57	100	111
	11C	120	174	113	141	59	65	110	98
	11D	131	187	125	153	59	80	126	102
	12A	123	193	111	143	84	68	112	112
	12B	132	193	123	151	76	76	121	113
	13A	130	174	124	148	55	83	126	82
	13B	109	149	110	134	66	91	119	75
	14A	98	133	104	125	78	107	109	63
	14B	108	147	119	136	77	106	123	69
	15A	105	139	119	130	97	133	121	69
	15B	132	166	134	148	89	112	140	88
	16	90	99	102	122	110	129	109	72
	17	104	96	114	136	122	143	124	87
	18A	113	85	124	149	138		136	97
	18B	109	90	124	144	132		132	97
	18C	127	102	139	162	130		148	104
	19A	116	67	130	151	143		139	101
	19B	123	56	135	160	150		146	108
	19C	135	62	146	168	163		159	121
	19D	159	87	170	186	170		181	136
	20A	147	109	160	184	137		171	123
	20B	138	112	150	171	124		159	112
20C	132	119	143	161	110	144	148	96	
20D	124	129	136	148	102	130	140	89	
21	162	100	173	197	148		183	135	
22	156	81	157	188	180		179	139	
23A	168	93	180	201	189		190	149	
23B	179	104	191	212	201		202	162	

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} Change  
 \* Addition } Decision No. **65480**  
 } Reduction

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San Francisco, California.

Correction No. 971