

ORIGINAL

Decision No. 68583

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 commodities between all
points in California (including, but
not limited to, constructive mileages
provided in the Distance Table).

Case No. 7024
(Petition for Modification
No. 7)

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 cement and related products (commodi-
ties for which rates are provided in
Minimum Rate Tariff No. 10).

Case No. 5440

SUPPLEMENTAL OPINION

By Decision No. 67115, dated April 21, 1964, in this phase of Case No. 7024, specific constructive mileages were established between Foresthill, Placer County, and certain facilities easterly thereof, located on, or in the vicinity of, the Middle Fork of the American River.^{1/} Establishment of constructive mileages between said points was requested by California Trucking Association, petitioner. The request was prompted by the creation of a large volume of traffic to the area in question in connection with the construction of a series of dams and hydroelectric power plants under the auspices of the Placer County Water Agency. Publication

^{1/} The locations in question are identified as Ralston Power Plant, Middle Fork Power Plant, Long Canyon Dam, Hell Hole Dam, French Meadows Power Plant, French Meadows Dam and Duncan Creek Dam.

of the aforesaid mileages was made effective May 30, 1964, in Supplement No. 12 to Distance Table No. 4.

Evidence adduced at the hearings, held in November and December 1963, disclosed that an alternate road was currently under construction in the area in question and that, upon completion of same, constructive highway distances developed over the new route might be lower than those calculated via the old road. Also, improvements in the existing road were in progress which might result in some revision in the constructive mileages as previously computed by the Commission's transportation engineers.

By Finding No. 6 in Decision No. 67115, above, the Commission staff was instructed to make a new survey of the roads in question as soon as practicable after the completion of the aforesaid alternate road and to calculate the necessary modifications in the constructive mileages adopted by said decision for Distance Table No. 4. The modified distances were thereafter to be brought to the Commission's attention for the issuance of such supplemental order as might appear proper under the circumstances. By Finding No. 7 in the aforesaid decision the staff was instructed to bring to the Commission's attention at an appropriate time said constructive mileage distances, as modified, for the issuance of an order establishing said distances in Distance Table No. 5.

Effective November 1, 1964, Distance Table No. 4 was canceled in its entirety. It was superseded by Distance Table No. 5. With one exception,^{2/} constructive mileage distances between the

^{2/} The exception relates to the determination of constructive mileages to govern the distance rates set forth in Minimum Rate Tariff No. 10 (cement). Effective July 1, 1964, constructive mileages corresponding to those published in Supplement No. 12 to Distance Table No. 4 were specifically published in Item No. 57 of said Minimum Rate Tariff No. 10 as an exception to Distance Table No. 5, and are still in effect.

points here in issue have been, on and after that date, computed by multiplying the actual highway distances by a factor of 1.3, in accordance with Rule 4(a) of Distance Table No. 5.

The Commission staff has completed the studies contemplated by the aforesaid Decision No. 67115 and has set forth the results of same in a document entitled "Report on the Constructive Mileages Between Certain Points in the Vicinity of Foresthill (Placer County) for Distance Table No. 5". That document is hereby received in evidence as Exhibit No. 7-4 and Petition for Modification No. 7 is taken under submission.

In its report the staff has set forth revised constructive mileages reflective of highway changes in the area in question which have taken place since the staff made its original survey. It is to be observed that in every instance the constructive mileages in Exhibit No. 7-4 are less in magnitude than are the corresponding mileages which were published in the aforesaid Supplement No. 12 to Distance Table No. 4 and which are currently in effect in Item No. 57 of Minimum Rate Tariff No. 10. However, the aforesaid revised constructive mileages are, in all instances, greater in magnitude than are those resulting from the application of the provisions of Rule 4(a) of Distance Table No. 5, above.

We find as follows:

1. The constructive mileage distances set forth in Exhibit No. 7-4 in the instant phase of Case No. 7024 are reasonable and justified.

2. The publication of said constructive mileage distances in a supplement to Distance Table No. 5, when applied in conjunction with minimum rate tariffs subject thereto, will result in just,

reasonable and nondiscriminatory minimum rates for transportation governed by said tariffs.

3. To the extent that the provisions of Distance Table No. 5 heretofore have been found to constitute reasonable rules and distances for common carriers as defined in the Public Utilities Code, the provisions of said distance table as herein modified are, and will be, reasonable provisions for said carriers.

4. To this same extent, existing rules and distances which are maintained by said common carriers for 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. 5, as hereinafter modified.

5. Concurrently with the establishment, in a supplement to Distance Table No. 5, of the constructive mileage distances hereinabove found reasonable, the constructive mileage distances set forth in Item No. 57 of Minimum Rate Tariff No. 10 should be canceled.

We conclude that Distance Table No. 5 and Minimum Rate Tariff No. 10 should be amended to the extent provided in the order which follows. A public hearing is not necessary. In order to avoid duplication of service Minimum Rate Tariff No. 10 will be amended by separate order.

O R D E R

IT IS ORDERED that:

1. Distance Table No. 5 (Decision No. 66578, as amended) is further amended by incorporating therein, to become effective

March 20, 1965, Supplement No. 6, 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 such tariff publications shall be made effective not later than March 20, 1965; and the tariff publications which are authorized but not 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, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the distance table supplement incorporated in this order.

3. Common carriers are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the mileages published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. In all other respects said Decision No. 66578, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of FEBRUARY, 1965.

Frederick B. Holbrook
President

George L. Hoover

William A. Smith

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

SUPPLEMENT NO. 6

(Supplements Nos. 3, 4, 5 and 6 Contain All Changes)

TO

DISTANCE TABLE NO. 5

Part 1

of 2 Parts

(Part 2 Consists of Maps)

#Constructive mileage distances between the locations specified below are, and for the future will be, as shown below and these mileage distances shall be used as bases in determining the constructive mileage distances from and to Ralston Power Plant, Middle Fork Power Plant, Duncan Creek Dam, French Meadows Dam, Long Canyon Dam, Hell Hole Dam, and French Meadows Power Plant, as the case may be:

Between Foresthill and:	Constructive Mileage Distances
Ralston Power Plant -----	22
Middle Fork Power Plant -----	45
Duncan Creek Dam -----	53
French Meadows Dam -----	55
Long Canyon Dam -----	61
Hell Hole Dam -----	71
French Meadows Power Plant -----	72

Addition, Decision No. 68583

EFFECTIVE MARCH 20, 1965

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California