

ORIGINAL

Decision No. 69534

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. 5437
Petition No. 109
(Filed November 5, 1964)

Arlo D. Poe, J. C. Kaspar, and H. E. Kollmeyer,
for California Trucking Association,
petitioner.

E. O. Blackman, for California Dump Truck
Owners Association, Inc., interested party.

Harry C. Phelan, Jr., for California Asphalt
Plant Association, interested party.

Fred Imhof, for Southern California Rock
Products Association, interested party.

Fred P. Hughes and Leonard Diamond, for the
Transportation Division of the Commission's
staff.

O P I N I O N

On September 22, 1964, the Commission issued an order (Decision No. 67903) in response to petition of the California Dump Truck Owners Association, Inc., establishing zone rates in Minimum Rate Tariff No. 7 for the transportation of rock, sand, gravel, decomposed granite, asphaltic concrete and cold road oil mixture, in dump truck equipment operated by for-hire highway carriers, from a then recently established rock products facility which is located in the vicinity of San Juan Capistrano to

specified delivery zones in Orange and San Diego Counties.

By the above-numbered petition the California Trucking Association seeks revisions in the rates which Decision No. 67903 established from the production area involved (Production Area P). It also seeks some revisions in rates heretofore established from an adjacent production area which is designated in Minimum Rate Tariff No. 7 as Production Area B. Petitioner alleges that the assailed rates are unreasonable and unreasonably discriminatory.

Public hearing on the petition of the California Trucking Association was held before Examiner Abernathy at Los Angeles on March 1, 1965. Evidence was presented by petitioner's assistant director of research and by the manager and by a field representative of the California Dump Truck Owners Association, Inc. Members of the Transportation Division of the Commission's staff participated in the development of the record.

In general, the witness for the California Trucking Association undertook to show that the rates which were established by Decision No. 67903 are not consistent with the time and distance factors applicable to hauls involved, and that, as a consequence, lesser rates apply in some instances for longer than for shorter hauls over the same route in the same direction. The witness submitted a scale of rates which he proposed be adopted in lieu of rates established by Decision No. 67903 and in lieu of certain rates which apply from Production Area B.

The adoption of the rates which were proposed on behalf

of the California Trucking Association was opposed by the California Dump Truck Owners Association, Inc. The witnesses for the latter association presented evidence to show that the time and distance data upon which the assailed rates were established had been developed and applied correctly. Assertedly, therefore, the rates are reasonable and correct. Nevertheless, it was ascertained that through inadvertence some of the time and distance data had been overlooked in the original compilations, and that, as a consequence, the resultant rates were, and are, understated in relation to the delivery times and distances that actually apply to the transportation performed.

It appearing that such corrections in the rates as necessary would entail analysis of time and distance data already of record in the Commission's files, it was proposed that the data be reviewed and analyzed by representatives of the Commission's staff, and that the staff representatives present recommendations concerning what changes, if any, should be made in the rates. Staff recommendations were developed pursuant to this proposal, and were distributed to petitioner and interested parties, and were made part of the record in this matter as a late-filed exhibit. As compared with the present rates in Minimum Rate Tariff No. 7 and with the rates which were proposed by the California Trucking Association, the staff-proposed rates are higher in some instances and lower in others. According to the staff exhibit, the proposed rates were developed to the extent feasible and practicable by the utilization of heretofore

observed formulas. Also, certain adjustments were made where necessary to the maintenance of equitable rate relationships between zones.

The proposals of the staff were not opposed by the California Trucking Association. The Southern California Rock Products Association and the California Dump Truck Owners Association, Inc., both called attention to apparent discrepancies in differentials between the staff's proposed rates into two zones - - Orange County Delivery Zones Nos. 20-C and 20-D^{1/}. The latter organization also took exception to reductions which the staff recommended be made in the rates from Production Area B.

It is evident from the record that the present rates in Minimum Rate Tariff No. 7 which apply from Production Area P do not adequately reflect the time and distance factors applicable to the transportation which is in issue herein. It appears also that certain adjustments in the rates from Production Area B are necessary to the maintenance of the rates on a reasonable and nondiscriminatory basis. Subject to modifications to correct the above-mentioned discrepancies in differentials between the rates to Orange County Delivery Zones Nos. 20-C and 20-D and to maintain differentials which would be established between the rates from Production Areas B and P, it appears that the adjustments which

^{1/} The staff's exhibit shows a differential of 8 cents per ton between the rock, sand and gravel rates into Delivery Zones Nos. 20-C and 20-D respectively from Production Area B. However, from Production Area P the corresponding differential is 6 cents a ton. Since the transportation in each case is performed over the same route, the same differential in rates should apply in either instance. A similar situation applies in connection with the rates for the transportation of asphaltic concrete and cold road oil mixture from Production Areas B and P.

the staff representatives recommended be made in the rates give due consideration to the time and distance factors which apply. We find that the resultant rates are, and will be, reasonable and nondiscriminatory minimum rates for the transportation subject thereto. Revisions in the present rates in Minimum Rate Tariff No. 7 will be prescribed accordingly.

The late-filed exhibit of the Commission's staff was tendered subject to hearing thereon. The exhibit is hereby incorporated into the record in this matter as Exhibit No. 109-3. Further hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is further amended by incorporating therein, to become effective September 18, 1965, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix are made a part hereof.

2. In all other respects said Decision No. 32566, 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 10th day of AUGUST, 1965.

Frederick B. Hallock
President
George G. Grover
August
William L. Beards

Commissioners

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

APPENDIX A TO DECISION NO. 69534

List of Revised Pages to Minimum Rate Tariff No. 7

Authorized by Said Decision

Eighth Revised Page 37-A

First Revised Page 37-B-2

Eighth Revised Page 37-C

Ninth Revised Page 38-P

Seventh Revised Page 38-Q-1

(END OF APPENDIX A LIST)

Item No.	SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES IN CENTS PER TON (Continued)										
	MATERIAL, viz.:										
	Granite, decomposed, Gravel, Sand,					Stone, crushed, chips or waste, Stone, natural, blocks, pieces or slabs, rough quarried, Stone, natural, sawed, not further finished.					
TO (1)San Diego County Deliv- ery Zones	FROM				TO (1)San Diego County Deliv- ery Zones	FROM					
	(2)Orange County Production Areas					(1)San Diego County Pro- duction area	(2)Orange County Production Areas				(1)San Diego County Pro- duction Area
	A	B	D	P	I	A	B	D	P	I	
29	129	71	139	74	69	59	247	190	256	193	102
30	140	80	148	83	61	60	255	196	256	199	107
31	149	91	159	94	51	61	267	208	269	211	120
32	156	99	166	102	45	62	261	205	271	208	117
33	166	108	175	111	34	63	250	191	257	194	102
34	213	154	219	157	71	64	239	181	250	184	92
35	212	155	219	158	60	65	229	170	238	173	81
36	197	141	206	144	57	66	256	199	265	202	109
37	182	124	191	127	43	67	244	188	253	191	97
38	179	120	189	123	33	68	244	186	253	189	96
39	189	130	195	133	44	69	257	199	267	202	109
40	196	140	206	143	51	70	269	212	289	215	123
41	206	148	214	151	61	71	258	201	266	204	110
42	214	158	223	161	68	72	250	191	256	194	102
43	226	167	232	170	76	73	209	150	217	153	64
44	243	174	242	177	85	74	198	143	210	146	53
45	261	205	270	208	116	75	194	138	204	141	50
46	250	192	257	195	101	76	224	167	239	170	79
47	234	175	242	178	86	77	231	175	230	178	89
48	224	167	234	170	77	78	127	71	139	74	78
49	231	174	240	177	84	79	138	73	146	81	88
50	217	160	227	163	71	80	139	80	148	83	90
51	209	150	217	153	64	81	141	89	150	92	81
52	198	143	208	146	53	82	138	78	146	81	72
53	191	132	198	135	48	83	142	91	150	94	85
54	216	159	224	162	69	84	151	94	161	97	79
55	217	160	232	163	70	85	164	106	172	109	69
56	219	163	212	166	72	86	159	102	168	105	59
57	229	170	222	173	81	87	166	108	175	111	66
58	237	180	245	183	90	88	175	119	176	122	69
						89	189	131	197	134	67

6245

MATERIAL as described in Item No. 245.

- (1) FROM San Diego County Production Area indicated.
(2) TO Orange County Delivery Zones shown below.

247

Zone	I	Zone	I	Zone	I
19C	110	20B	135	22	92
19D	103	20C	144	23A	88
20A	125	21	118	23B	78

- (1) For descriptions of San Diego County Production Area 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)
◇ Increase) Decision No. **69534**
∅ Reduction)

EFFECTIVE SEPTEMBER 18, 1965

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

Correction No. 1083

SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES
IN CENTS PER TON (Continued)

Item No. 250

MATERIAL, viz.:

Granite, decomposed, Stone, crushed, chips or waste,
Gravel, Stone, natural, blocks, pieces or slabs, rough quarried,
Sand, Stone, natural, sawed, not further finished.

TO (1) Orange County Delivery Zones	FROM (1) Orange County Production Areas						
	A	B	C	D	E	F	G
11-A	76	133	71	64	70	85	81
11-B	78	134	79	68	79	84	91
11-C	76	120	86	69	85	86	96
11-D	89	129	100	79	93	95	104
12-A	81	133	86	70	88	90	97
12-B	88	133	97	77	92	95	103
13-A	86	120	100	77	89	86	101
13-B	71	101	102	70	85	77	90
14-A	69	89	105	68	79	69	84
14-B	71	100	114	74	91	78	92
15-A	71	93	122	72	88	75	88
15-B	80	114	122	84	99	88	101
16	65	69	109	68	77	68	80
17	70	67	121	76	85	71	92
18-A	74	57	131	81	95	80	102
18-B	75	59	133	84	96	81	97
18-C	84	69	142	92	107	90	111
19-A	75	43	133	88	100	81	103
19-B	81	34	140	92	104	90	109
19-C	92	38	149	101	116	95	117
19-D	105	83	164	113	125	114	129
20-A	100	71	164	109	124	107	127
20-B	93	74	151	103	116	101	118
20-C	88	77	139	92	107	95	109
20-D	81	85	133	88	99	89	101
21	108	85	167	120	133	117	138
22	105	53	164	118	129	114	131
23-A	116	88	172	125	139	122	141
23-B	123	85	181	133	146	131	148

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

Charge & Reduction } Decision No. **69534**

EFFECTIVE SEPTEMBER 18, 1965

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

Correction No. 1084

SECTION NO. 3 - RATES FROM PRODUCTION AREAS TO DELIVERY ZONES
IN CENTS PER TON (Continued)

Item No. 250.2

MATERIAL, viz.:

Granite, decomposed, Gravel, Sand,	Stone, crushed, chips or waste, Stone, natural, blocks, pieces or slabs, rough quarried, Stone, natural, sawed, not further finished.
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TO (1) Orange County Delivery Zones	FROM (1) Orange County Production Areas			
	L	M	O	P
11-A	67	63	104	148
11-B	77	58	101	146
11-C	83	61	93	135
11-D	93	72	100	141
12-A	83	66	105	148
12-B	92	70	105	148
13-A	87	67	87	128
13-B	80	63	74	114
14-A	72	66	64	103
14-B	82	67	74	115
15-A	82	76	69	107
15-B	95	80	88	124
16	71	72	45	79
17	81	82	43	73
18-A	92	92	45	67
18-B	90	91	54	70
18-C	102	100	62	78
19-A	95	96	56	53
19-B	101	102	62	56
19-C	110	110	68	46
19-D	123	124	84	◇ 56
20-A	118	114	78	◇ 74
20-B	110	107	72	◇ 84
20-C	101	95	75	◇ 92
20-D	95	90	80	◇ 100
21	128	124	88	◇ 68
22	126	126	83	◇ 56
23-A	133	134	92	◇ 61
23-B	142	143	100	◇ 68

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

Change }
Increase } Decision No. 69534

EFFECTIVE SEPTEMBER 18, 1965

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1085

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		FROM				TO		FROM							
	(1)San Diego County Delivery Zones	(2)Orange County Production Areas	(1)San Diego County Production Areas				(1)San Diego County Delivery Zones	(2)Orange County Production Areas	(1)San Diego County Production Areas							
			A	B	D	OP			I	J	K	A	B	D	OP	I
29	186	111	200	114	106	198	132	59	345	270	357	273	150	53	113	
30	200	125	213	128	94	184	119	60	354	270	357	273	159	52	121	
31	213	138	226	141	81	171	105	61	368	285	373	288	175	65	137	
32	224	147	235	150	69	160	94	62	361	289	377	292	170	84	150	
33	237	161	248	164	57	148	83	63	343	271	359	274	151	100	144	
34	299	218	306	221	109	199	134	64	329	258	347	261	138	113	132	
35	298	218	306	221	106	199	141	65	316	244	332	247	123	129	119	
36	280	202	289	205	89	178	127	66	353	279	366	282	161	53	122	
37	255	180	269	183	65	156	92	67	339	264	352	267	145	130	130	
38	253	177	265	180	54	140	66	68	338	264	352	267	143	119	127	
39	264	188	276	191	68	126	59	69	356	282	369	285	161	103	146	
40	276	202	289	205	82	140	75	70	364	298	387	301	179	81	146	
41	288	213	300	216	94	152	87	71	353	281	368	284	163	64	129	
42	299	224	312	227	105	144	98	72	340	269	356	272	150	51	116	
43	312	238	325	241	116	140	110	73	291	217	305	220	97	92	60	
44	324	242	336	251	127	156	122	74	281	205	293	208	85	100	49	
45	363	287	375	290	167	180	152	75	273	198	285	201	77	110	45	
46	343	271	359	274	149	166	134	76	311	245	333	248	122	172	139	
47	325	249	337	252	130	145	113	77	329	234	322	237	133	185	141	
48	314	239	326	242	119	133	102	78	186	110	199	113	120	219	146	
49	322	247	335	250	126	139	113	79	198	122	210	125	132	232	161	
50	303	229	318	232	109	124	93	80	200	124	212	127	134	235	161	
51	293	217	305	220	97	124	100	81	203	134	215	137	125	224	159	
52	280	204	292	207	85	137	99	82	198	122	210	125	111	212	144	
53	269	193	281	196	73	147	89	83	204	137	216	140	127	226	162	
54	301	226	314	229	106	102	70	84	217	141	229	144	122	213	147	
55	302	238	325	241	108	112	82	85	233	158	245	161	106	198	132	
56	305	231	319	234	110	78	75	86	226	150	239	153	82	172	107	
57	319	244	332	247	124	64	87	87	237	161	248	164	93	181	118	
58	329	254	341	257	135	54	98	88	249	174	261	177	105	191	131	
								89	266	190	279	193	96	178	132	
289	MATERIAL as described in Item No. 288.															
	(1) FROM San Diego County Production Area indicated.															
	(2) TO Orange County Delivery Zones shown below.															
	Zone	I				Zone	I				Zone	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
Increase) Decision No. 69534

EFFECTIVE SEPTEMBER 18, 1965

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

Correction No. 1086

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	N	P	
290.5	11A	119	193	98	124	90	59	97	123	212
	11B	116	194	102	135	84	57	100	111	209
	11C	120	174	113	141	59	65	110	98	195
	11D	131	187	125	153	59	80	126	102	203
	12A	123	193	111	143	84	68	112	112	213
	12B	132	193	123	151	76	76	121	113	213
	13A	130	174	124	148	55	83	126	88	186
	13B	109	149	110	134	66	91	119	75	167
	14A	98	133	104	125	78	107	109	63	153
	14B	108	147	119	136	77	106	123	69	168
	15A	105	139	119	130	97	133	121	69	157
	15B	132	166	134	148	89	112	140	88	181
	16	90	99	102	122	110	129	109	72	121
	17	104	96	114	136	122	143	124	87	112
	18A	113	85	124	149	138		136	97	104
	18B	109	90	124	144	132		132	97	108
	18C	127	102	139	162	130		148	104	119
	19A	116	67	130	151	143		139	101	84
	19B	123	56	135	160	150		146	108	74
	19C	135	62	146	168	163		159	121	65
	19D	159	82	170	186	170		181	136	86
	20A	147	109	160	184	137		171	123	113
	20B	138	112	150	171	124		159	112	127
	20C	132	119	143	161	110	144	148	96	137
	20D	124	129	136	148	102	130	140	89	147
	21	162	100	173	197	148		183	135	104
	22	156	82	157	188	180		179	139	86
	23A	168	93	180	201	189		190	149	96
	23B	179	104	191	212	201		202	162	107

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

} Change
 } Increase
 } Reduction

Decision No. 69534

EFFECTIVE SEPTEMBER 18, 1965

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

Correction No. 1087