

ORIGINAL

Decision No. 74135

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LEE KUYKENDALL, NICK NIRES, JAMES)
SUTTON and ROBERT M. WILLIAMS for)
authority to depart from the mini-)
mum rates, rules and regulations of)
Minimum Rate Tariff No. 7, pursuant)
to the provisions of Section 3666 of)
the Public Utilities Code, for)
transportation performed for MISSION)
VALLEY ROCK CO.)

Application No. 48851
(Petition for Modification
of Decision No. 72934)
(Filed March 25, 1968)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 72934 dated August 22, 1967, in this proceeding, Lee Kuykendall, Robert M. Williams, James E. Swift and Salvatore Danna were authorized to charge a rate less than the minimum rate otherwise applicable but not less than 93 cents per ton, minimum weight 25.5 tons, for the transportation of sand and gravel for Mission Valley Rock Co. from its plant near Sunol to Berkeley Ready Mix Co. in Berkeley. The authority is scheduled to expire on September 11, 1968.

By Petition for Modification of Decision No. 72934, supra, petitioners request that Nick Nires and James Sutton (Nires and Sutton) be substituted in place and stead of James E. Swift and Salvatore Danna (Swift and Danna) in this proceeding and that the relief granted to Swift and Danna be transferred to Nires and Sutton.¹

¹ Each petitioner holds either a radial highway common carrier or a highway contract carrier permit.

Revenue and expense data submitted by petitioners indicate that the transportation involved has been profitable and reasonably may be expected to be profitable for Nires and Sutton in the future.

The verified petition for modification shows that copies thereof were mailed to California Trucking Association and Mission Valley Rock Co. The petition was listed on the Commission's Daily Calendar of March 26, 1968. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that the rate authorized by Decision No. 72934 in this proceeding is reasonable for transportation to be performed by Nires and Sutton. A public hearing is not necessary. The Commission concludes that Petition for Modification of Decision No. 72934 should be granted.

IT IS ORDERED that:

1. Decision No. 72934 dated August 22, 1967, in Application No. 48851, is hereby amended by substituting the following paragraph in place and stead of Ordering Paragraph 1 thereof:


"1. Lee Kuykendall, Nick Nires, James Sutton and Robert M. Williams are hereby authorized to transport sand and gravel for Mission Valley Rock Co., from its plant near Sunol to Berkeley Ready Mix Co. located at Third and Virginia Streets, Berkeley, at a rate less than those established in Minimum Rate Tariff No. 7, subject to the conditions and limitations set forth in Appendix B attached hereto and by this reference made a part hereof."

2. Decision No. 72934 is hereby further amended by substituting for Appendix A thereof, Appendix B attached hereto and by this reference made a part hereof.

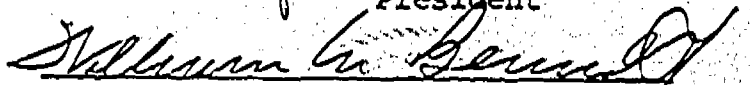
3. In all other respects, Decision No. 72934 shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 21st day of May, 1968.

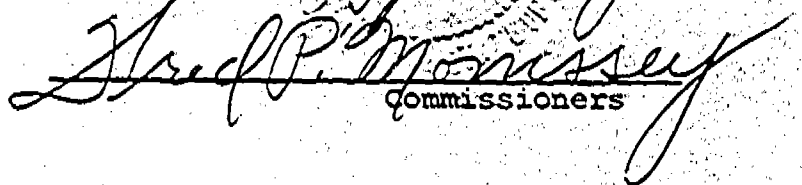


President









Commissioners

APPENDIX B TO DECISION NO. 74135

(Supersedes Appendix A to Decision No. 72934)

Carriers: Lee Kuykendall
Nick Nires
James Sutton
Robert M. Williams

Shipper: Mission Valley Rock Co.

Commodity: Sand and/or gravel.

From: Mission Valley Rock Co.'s Quarry near Sunol.

To: Berkeley Ready Mix Co.
Third and Virginia Streets
Berkeley, California

Rate: 93 cents per ton, minimum weight 25.5 tons.

Conditions: Subject to Notes 1 and 2.

Note 1. Rates apply only when shipper furnishes bottom-dump hopper type trailers at no expense to carriers.

Note 2. Shipper shall guarantee that each carrier shall be tendered a minimum of 24,000 tons per year. In the event of a strike or other work stoppage affecting consignor, consignee or involved carriers said minimum shall be proportionately reduced for such period.

In all other respects the rates and rules in Minimum Rate Tariff No. 7 shall apply.

(End of Appendix A)