

Decision No. 74187

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of ROCKO TRANSPORTATION, INC., a)	
corporation, for authority to de-)	Application No. 49555
part from the rates, rules and)	(First Supplemental Application)
regulations of Minimum Rate)	(Filed May 13, 1968)
Tariff No. 2, under the provisions))	
of the Highway Carriers' Act.)	

SUPPLEMENTAL OPINION AND ORDER

Rocko Transportation, Inc., a corporation, holds radial highway common carrier, highway contract carrier and city carrier permits. By Decision No. 73676 dated January 30, 1968, in Application No. 49555, it was granted less-than-minimum rate authority as a highway contract carrier to assess a rate of \$2.28 per ton, subject to a minimum weight of 22 tons per load, for the transportation of quarried rock and stone on flatbed trailers for Silberberger Constructors, Inc. from Twin Oaks Quarry (San Diego County) to a job site at Dana Point Harbor (Orange County). The authorized rate is less than, and differs from, the established minimum rates named in Minimum Rate Tariff No. 2. The current authority is scheduled to expire October 1, 1968.

By this supplemental application, applicant seeks to amend the existing authority to include Oceanside Harbor breakwater (San Diego County) as a point of destination at a proposed rate of \$1.30¹ per ton subject to the same minimum tonnage per load.

¹ According to applicant, the proposed rate is comparable to the applicable minimum distance rate of \$1.28 per ton named in Minimum Rate Tariff No. 7 for such transportation in dump truck equipment.

Applicant states that the quarry rock and stone, which it has been transporting under this authority, was being installed by the shipper on the Dana Point Harbor breakwater pursuant to United States Government Contract supervised by the United States Army Corps of Engineers. It further states that Silberberger Constructors, Inc., has now entered into a contract with the United States Government for emergency work to be performed on the Oceanside Harbor breakwater and has been authorized and directed to discontinue work on the Dana Point Harbor breakwater for a period of approximately 60 days for the purpose of such emergency construction at the new job site.

Applicant alleges that all of the transportation conditions set forth in its original application, which justified the granting of the current authority for movements to the Dana Point Harbor location, are similar except that the distance from Twin Oaks Quarry to the Oceanside Harbor breakwater is less than that from this quarry to the job site at Dana Point Harbor. As recited in Decision No. 73676, supra, evidence of record in this proceeding showed that the transportation of such commodities on flatbed equipment at the authorized rate, which is equivalent to the established rate for such transportation in dump truck equipment, is reasonable and compensatory. Applicant further alleges that the proposed rate of \$1.30 per ton for the emergency movement to Oceanside Harbor on flatbed equipment is reasonable.

Applicant requests that the Commission expedite its consideration of this matter inasmuch as the proposed movement of rock and stone to the Oceanside Harbor location is an emergency measure and it is imperative that the transportation be accomplished expeditiously and without undue delay.

The certificate of service shows that copies of the verified supplemental application were served on California Trucking Association, California Dump Truck Owners Association and Associated Independent Owner-Operators, Inc., on or about May 9, 1968. The supplemental application was listed on the Commission's Daily Calendar of May 14, 1968. No objection to the granting of the supplemental application has been received.

In the circumstances, it appears, and the Commission finds, that amendment of the existing authority to include the emergency movement as sought herein is justified and that the proposed rate for such transportation is reasonable. A public hearing is not necessary. The Commission concludes that the supplemental application should be granted and that Decision No. 73676, supra, should be amended accordingly. In view of the stated emergency and applicant's urgent need for the additional rate relief sought herein, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. Decision No. 73676 dated January 30, 1968, in Application No. 49555, is hereby amended by including therein the following additional ordering paragraph:

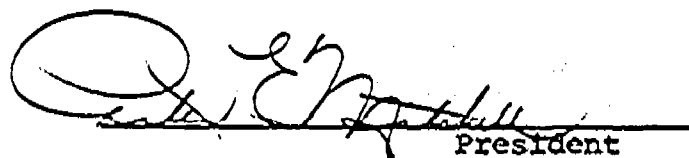
"1a. Rocko Transportation, Inc., is hereby authorized to assess a rate of \$1.30 per ton, subject to a minimum weight of 22

tons per load, for the transportation of quarried rock and stone, by means of tractors and flatbed trailers, as a highway contract carrier, for Silberberger Constructors, Inc., from Twin Oaks Quarry, located in the San Marcos Mountains northeasterly from Vista, San Diego County, to a job site at Oceanside Harbor breakwater, San Diego County."

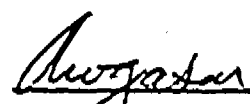
2. In all other respects, Decision No. 73676 shall remain in full force and effect.


This order shall become effective on the date hereof.

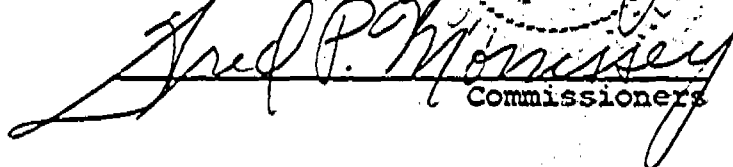
Dated at San Francisco, California, this 28th day of May, 1968.



President







Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.