

SW/ms

Decision No. 76943

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 rock, sand and gravel and related
items (commodities for which rates are
provided in Minimum Rate Tariff 17).

Case No. 5437
Petition for Modification
No. 195

(Filed December 10, 1969)

OPINION AND ORDER

Minimum Rate Tariff 17 (MRT 17) names rates for the transportation of rock, sand and gravel, in dump truck equipment, from defined production areas to designated delivery zones and points. Section 2 of MRT 17 lists the specific delivery points to which area-to-point rates are applicable under the provisions of Item 120 of the tariff. This item provides that rates to delivery points listed in Section 2 of the tariff shall be three cents per ton less than the otherwise applicable zone rates.

The California Asphalt Pavement Association seeks the inclusion of additional plant sites as named delivery points in Section 2 of MRT 17. The names and addresses of the plants sought to be included as delivery points are set forth in Appendix A of the petition. Petitioner alleges that the proposed delivery points are comparable to, or surpass in facilities, equipment and area, many of the delivery points currently listed in

Section 2 of the tariff. Such plants assertedly come within the general classification, or so-called criteria, previously established as a basis for the area-to-point rates (Decision No. 57675, dated December 2, 1958, in Case No. 5437) and more recently cited in Decision No. 76331 of October 28, 1969, in Case No. 5437.^{1/}

Petitioner states that since unloading services at the plant sites involved are performed under substantially the same favorable conditions as the plant sites now listed as delivery points in Section 2 of MRT 17, equal reductions from established zone rates should apply to the former plant sites in question. It is contended that unless MRT 17 is modified so as to include the proposed delivery points, unreasonable discrimination will exist to the benefit of the plant sites listed in Section 2 of MRT 17, and to detriment of the plant sites listed in Appendix A of the subject petition.^{2/}

^{1/} Criteria which are a basis of the area-to-point rates are as follows: (1) The consignee's facilities permit receipt of shipments transported by dump truck-and-trailer units; adequate space for transfer of trailer bodies to dump trucks is available within 150 feet of dumping point of shipment; (2) Consignee has received, or expects to receive, at least 1,000 tons of rock products per year; (3) Consignee maintains personnel on duty, while transportation is being furnished, for purpose of signing delivery tickets and other operations necessary to the receipt of the shipments; (4) Consignee's facilities include space for bunker reception or stockpiling of rock and/or sand in quantities of at least 50 tons at one time; and (5) Average loading and unloading time for dump truck-and-trailer combination does not exceed, in total, 30 minutes per 24 tons.

^{2/} An original signed affidavit for each of the proposed delivery points is attached and made a part of Petition No. 195. The affidavits are offered in support of petitioner's allegations, and to establish that all proposed points come within the purview and application of Item 120 of MRT 17.

The certificate of service shows that a copy of the verified petition was mailed to various known interested parties on or about December 10, 1969. Said parties have indicated they are not opposed to the granting of the petition. The petition was listed on the Commission's Daily Calendar of December 15, 1969. No objection to the amending of MRT 17 as sought has been received.

Upon consideration of petitioner's representations in this matter, the Commission finds that the circumstances in which rock, sand and gravel are delivered to the various plant sites involved herein substantially conform to, or are more favorable than, the transportation conditions which constitute the criteria for the area-to-point rates named in Minimum Rate Tariff 17. The Commission further finds that the extension of the area-to-point system of rates in Minimum Rate Tariff 17 to the plant sites proposed by petitioner has been shown to be just and reasonable.

We conclude that Petition for Modification No. 195 should be granted and that Minimum Rate Tariff 17 should be amended accordingly. A public hearing is not necessary.

IT IS ORDERED that:

1. Minimum Rate Tariff 17 (Appendix B to Decision No. 69469, as amended) is hereby further amended by incorporating therein, to become effective April 25, 1970, the revised pages attached hereto and made a part hereof by this reference, said pages being specifically identified as:

Thirty-ninth Revised Page 1-2
Third Revised Page 2-6
Third Revised Page 2-10

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2. In all other respects said Decision No. 69469, as amended, shall remain in full force and effect.

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

Dated at SAN FRANCISCO, California,
this 17th day of MARCH, 1970.

William S. Brown
President

George J. ...

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Commissioners

SECTION 1--RULES (CONTINUED)

*TARIFF PAGES CHECK SHEET

ORIGINAL AND REVISED PAGES AS NAMED BELOW AND SUPPLEMENT 8 CONTAIN ALL CHANGES FROM THE ORIGINAL TARIFF IN EFFECT ON THE DATES SHOWN THEREON. DECISION NUMBERS AND DATES ARE NOT SHOWN OPPOSITE PAGE REVISIONS BELOW WHICH WERE IN EFFECT PRIOR TO APRIL 20, 1968. THE DECISION NUMBERS AND DATES WILL BE SHOWN ON FURTHER REVISIONS OF SUCH PAGES.

PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE SIGNED	PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE SIGNED
TITLE	4TH ORIGINAL	76369	11/4/69	1-20	ORIGINAL		
1	ORIGINAL			1-21	5TH	75249	1/28/69
1-1	6TH	76575	12/23/69	1-22	3RD	75249	1/28/69
1-2	*39TH			1-23	1ST	73653	1/23/68
1-2.1	9TH			2	2ND		
1-2.2	7TH			2-1	2ND	76331	10/28/69
1-2.3	3RD	75149	12/27/68	2-2	1ST	75317	2/11/69
1-2.4	8TH	76810	2/17/70	2-3	2ND	75317	2/11/69
1-3	5TH	75249	1/28/69	2-4	2ND	76331	10/28/69
1-3.1	5TH	75249	1/28/69	2-5	2ND	76331	10/28/69
1-4	3RD			2-6	*3RD		
1-4.1	2ND	75249	1/28/69	2-7	2ND	76331	10/28/69
1-5	4TH	76369	11/4/69	2-8	2ND	76331	10/28/69
1-6	5TH	74755	10/1/68	2-9	2ND	76331	10/28/69
1-7	4TH	75249	1/28/69	2-10	*3RD		
1-8	6TH	76369	11/4/69	2-11	1ST	75317	2/11/69
1-8.1	1ST	74999	11/26/68	3	ORIGINAL		
1-9	2ND			4	2ND		
1-10	1ST			4-A	6TH	76575	12/23/69
1-11	ORIGINAL			4-A-1	6TH	76575	12/23/69
1-12	ORIGINAL			4-A-2	7TH		
1-13	1ST	74755	10/1/68	4-B	6TH	76575	12/23/69
1-13.1	ORIGINAL	73999	4/16/68	4-B-1	6TH	76575	12/23/69
1-13.2	ORIGINAL	73999	4/16/68	4-B-2	7TH		
1-14	4TH	75249	1/28/69	4-CC	6TH	76575	12/23/69
1-14.1	ORIGINAL			4-CC-1	6TH	76575	12/23/69
1-15	4TH	75249	1/28/69	4-E	6TH	76575	12/23/69
1-15.1	1ST	75249	1/28/69	4-E-1	6TH	76575	12/23/69
1-16	4TH			4-E-2	7TH		
1-17	ORIGINAL			4-F	6TH	76575	12/23/69
1-18	ORIGINAL			4-F-1	6TH	76575	12/23/69
1-19	ORIGINAL			4-F-2	7TH		

* CHANGE

EFFECTIVE

CORRECTION 1431

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.

SECTION 2--AREA-TO-POINT RATES (Continued)

COMMODITIES as described in Item 60

List of Delivery Points to Which Area-to-Point Rates
 Are Applicable Under Item 120 (Continued)

Delivery Point	Delivery Zone
Greene's Ready Mixed Concrete Co. 19030 South Normandie Avenue, Torrance-----	19232
Griffith Company 1601 Alameda Street, Wilmington-----	19245
Groty Ready-Mix 34212 Santa Fe Avenue, Capistrano Beach-----	30102
Huntington Beach Ready Mix Concrete Co. 7391 Talbert Avenue, Huntington Beach-----	30061
Hurst Concrete Products Company 332 East Haley Street, Santa Barbara-----	42016
Hydro Conduit Corp. 5555 North Irwindale Avenue, Irwindale-----	19336
Industrial Asphalt 7971 Newkirk Road, Anaheim-----	30023
#24702 Wilmington Avenue, Carson-----	19245
337 South Aviation Boulevard, El Segundo-----	19215
12052 Arrow Highway, Etiwanda-----	36043
2715 East Washington Boulevard, Los Angeles-----	19418
4701 Huntington Drive, Montclair-----	36048
#1401 East Warner Avenue, Santa Ana-----	30052
#13050 East Imperial Highway, Santa Fe Springs-----	19441
8182 Katella Avenue, Stanton-----	30034

ADDITION

EFFECTIVE

CORRECTION 1432

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.

SECTION 2--AREA-TO-POINT RATES (Continued)

COMMODITIES as described in Item 60

List of Delivery Points to Which Area-to-Point Rates
 Are Applicable Under Item 120 (Continued)

Delivery Point	Delivery Zone
Transit Mixed Concrete Co.	
435 North Eucalyptus Avenue, Inglewood-----	19202
2400 East South Street, Long Beach (P.O.)-----	19456
625 Lamar Street, Los Angeles-----	19374
1000 North La Brea Avenue, Los Angeles-----	19141
144 North Halstead Street, Pasadena-----	19311
8960 Bradley Avenue, Sun Valley-----	19040
Triangle Rock Products, Inc.	
Porphyry & Quarry Streets, Corona-----	33050
Spruce Street, Riverside-----	33005
25183 Cottonwood Avenue, Sunny Mead-----	33038
Tri-City Concrete	
Singleton Road & Interstate Highway 10, Calimesa-----	33070
238 East 2nd Street, Perris-----	33077
8203 Alabama Street, Redlands-----	36031
7747 Evans Street, Riverside-----	33045
1910 West 7th Street, San Bernardino-----	36026
2006 North Campus, Upland-----	36018
United Ready Mixed Concrete Co.	
11725 Artesia Boulevard, Artesia-----	19450
4988 Firestone Boulevard, South Gate-----	19207
Upland Concrete Products Co.	
1337 Bowen, Upland-----	36046
Valley Ready-Mix	
505 South Benson Avenue, Ontario-----	36050
Valley Wide Ready Mixed Concrete Corp.	
13950 East Los Angeles Avenue, Moorpark-----	56076
Vernon Asphalt Materials Co.	
#345 Walnut Avenue, Gardena-----	19225
#501 Railroad Place, Inglewood-----	19202
3100 Bandini Boulevard, Vernon-----	19418

* ADDITION

EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.

CORRECTION 1433