

Decision No. 77399

**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 }  
depart from the rates, rules and }  
regulations of Minimum Rate }  
Tariff No. 2 under the provisions }  
of the Highway Carriers' Act. }

Application No. S1872  
(Filed May 4, 1970;  
Amended June 10, 1970)

INTERIM OPINION AND ORDER

Rocko Transportation, Inc., a corporation, holds radial highway common carrier and highway contract carrier permits. By the application filed May 4, 1970, it seeks authority to charge less-than-minimum rates for any and all transportation of large quarried rocks performed by it with flat bed equipment, subject to a minimum weight of 22 tons per load, for a one-year period. Specifically, it requests authority to assess the rates in Minimum Rate Tariff No. 7 for transportation in dump truck equipment in lieu of the higher rates in Minimum Rate Tariff No. 2 applicable to the transportation in issue. The application was amended on June 10, 1970, to include a request for immediate authority to transport large stone and rock on flat bed equipment for Silberberger Constructors, Inc., from Otay Quarry, San Diego County, to the San Diego River Floodway, San Diego County, a distance of 25.3 miles at a rate of \$1.38 per ton, which is 10 cents per ton above the minimum rate of \$1.28 per ton for the transportation of said commodities for said distance in dump truck equipment. The amendment states that Silberberger has entered into a contract with

the Army Corp of Engineers for the extension of South Jetty and repair of Middle Jetty in connection with the improvement of the San Diego River; that the project will commence on June 22, 1970 and will require the use of large quarry rock which will range in size up to 14 tons per piece; that in the event the authority sought in the amendment is granted, applicant will be engaged by Silberberger to perform the transportation; and that the rate of \$1.38 per ton is a fair and reasonable rate for the transportation in issue.

Applicant was heretofore granted authority similar to that sought herein in connection with specific movements between specified points for Silberberger Constructors, Inc., for a period of approximately 14 months by Decisions Nos. 72930 and 73676, dated August 15, 1967, and January 30, 1968, as amended by Decision No. 74187, dated May 28, 1968, in Application No. 49555. Said authority has expired.

Both the application and the amendment point out that two days of public hearing were held prior to the issuance of the aforementioned Decision No. 73676. Both assert that during said hearing applicant proved that the transportation of large quarried rock on flat bed equipment was more efficient, safer and no more time consuming than the use of dump truck equipment and was at least as profitable.

The amendment states that copies of both the application and amendment were served on California Trucking Association, California Dump Truck Owners Association and Associated Independent Owner-Operators, Inc. Both the application and amendment were listed on the Commission's Daily Calendar. No objections have been received to the granting of the specific relief sought in the amendment on an interim basis, pending public hearing for the receipt of further evidence.

Subject to further review upon consideration of evidence regarding both the general authority requested in the application and the limited authority requested in the amendment at a public hearing to be scheduled in this matter, it appears and the Commission finds that the proposed rate for the specific transportation described in the amendment is reasonable. In view of applicant's urgent request for the specific relief described in the amendment, the Commission concludes that applicant should be granted interim authority to the extent hereinafter indicated for a period of six months, unless sooner canceled, changed or extended by order of the Commission.

IT IS ORDERED that:

1. Rocko Transportation, Inc., a corporation, is hereby authorized to transport shipments of quarried rock and stone on flat bed trailers for Silberberger Constructors, Inc., from Otay Quarry in San Diego County to a jobsite at the San Diego River Floodway in San Diego County at a rate less than, and different from, the established minimum rate but not less than \$1.38 per ton, subject to a minimum tonnage per shipment of 22 tons.

2. The interim authority herein granted shall expire six months after the effective date of this order, unless sooner canceled, modified or extended by order of the Commission.

3. A public hearing shall be scheduled for the receipt of evidence on this application and the amendment thereto.

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

Dated at Los Angeles, California, this 23rd day of JUNE, 1970.

William J. ...  
President

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Commissioner