

ORIGINAL

Decision No. 78936

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 Nos. 7 and 17).

Case No. 5437
Petition for Modification
No. 209
(Filed March 18, 1971;
amended April 16, 1971)

OPINION AND ORDER

This petition for modification was filed by Southern California Rock Products Association, a non-profit corporation, the members of which are engaged in the business of producing, marketing and distributing rock, sand and gravel within Southern California. Petitioner seeks the designation of a rock products plant of a member company, Azusa Western, Inc., located in Orange County about three miles southeasterly from Lake Irvine, as a rock products production area and the establishment of zone rates therefrom. At present the transportation of rock products in for-hire dump truck carriage from most commercial rock products plants in Orange County and in portions of Los Angeles, Riverside, San Bernardino, and Ventura Counties is subject to a common system of zone rates which is set forth in Minimum Rate Tariff 17 (MRT 17). However, the transportation of rock products from the aforesaid plant of Azusa Western, Inc., in for-hire dump truck carriage is subject to hourly and distance rates in Minimum Rate Tariff 7. Petitioner

seeks to have the shipments of rock products from Azusa Western's plant made subject to the same system of zone rates as that which applies from plants of competing producers in order to eliminate asserted rate discrimination favoring said producers.

The petition defines the proposed production area.^{1/} It sets forth tie-in times and mileages from the area to the existing traverse network on which the zone rates involved are based, and it specifies the delivery zones to which rates are requested. With respect to the production facilities of Azusa Western, Inc., within said area, the petition alleges that said facilities are of the same general type and character as those of other rock products producers; that the loading of rock products shipments into the equipment of dump truck carriers is performed from overhead hoppers, and that the loading times are not in excess of the loading times which were used in development of zone rates in MRT 17.

Copies of the verified petition and information concerning the amendments thereto, have been served on various known interested parties. An exhibit which was prepared by the Commission's Transportation Division to show the zone rates that would be established if this petition is granted has also been served upon

^{1/} The definition of the proposed production area was revised by an amendment to the petition filed April 16, 1971, and was further revised by letter dated April 19, 1971. Said letter is made part of the record herein as Exhibit No. 1.

said parties.^{2/} No objection to the granting of the petition has been received.

The establishment of the zone rates which are sought by petitioner would provide rates for the transportation of shipments of Azusa Western, Inc., which are the same, in kind and character, as the zone rates in Minimum Rate Tariff 17 which apply from numerous other production areas to delivery zones in and about Orange County. In the circumstances the Commission finds that the designation of Azusa Western's plant area as a production area and the establishment of zone rates therefrom will result in just, reasonable and nondiscriminatory minimum rates for transportation to which said rates would apply. Said production area and rates therefrom should be established. The petition should be granted. A public hearing thereon is not necessary.

The establishment of the zone rates which are hereinafter provided will result in lower transportation charges to some zoned areas than those which apply under the distance rates in Minimum Rate Tariff 7 to intermediate unzoned areas. In order that there

^{2/} The exhibit also sets forth the time, distance and cost data upon which the rates were calculated. Said exhibit has been incorporated into the record in this matter as Exhibit No. 2. A map which was also prepared by the Commission's Transportation Division to show the round-trip traverse times and one-way distances between the proposed production area and the traverse network upon which the zone rates in Minimum Rate Tariff 17 were developed is attached hereto as Appendix A.

may be no violation of the long- and short-haul prohibitions of Section 21, Article XII of the State Constitution and of Section 460 of the Public Utilities Code, a rule will be provided to the effect that in the instances described the zone rates will supersede the distance rates when they result in lower transportation charges for the same transportation in the same direction over the same route.

IT IS ORDERED that:

1. Directory 1 (Appendix A of Decision No. 69469, as amended), Minimum Rate Tariff 17 (Appendix B of Decision No. 69469, as amended) and Minimum Rate Tariff 7 (Appendix A of Decision No. 32566, as amended) are further amended by incorporating therein, to become effective September 4, 1971, the revised pages attached hereto and listed in Appendix B, also attached hereto, which pages and appendix are made a part hereof.

In all other respects, said Decisions Nos. 69469 and 32566, 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 27th day of JULY, 1971.

Chairman
William S. Grogan, Jr.

James L. Sturgeon

Commissioners

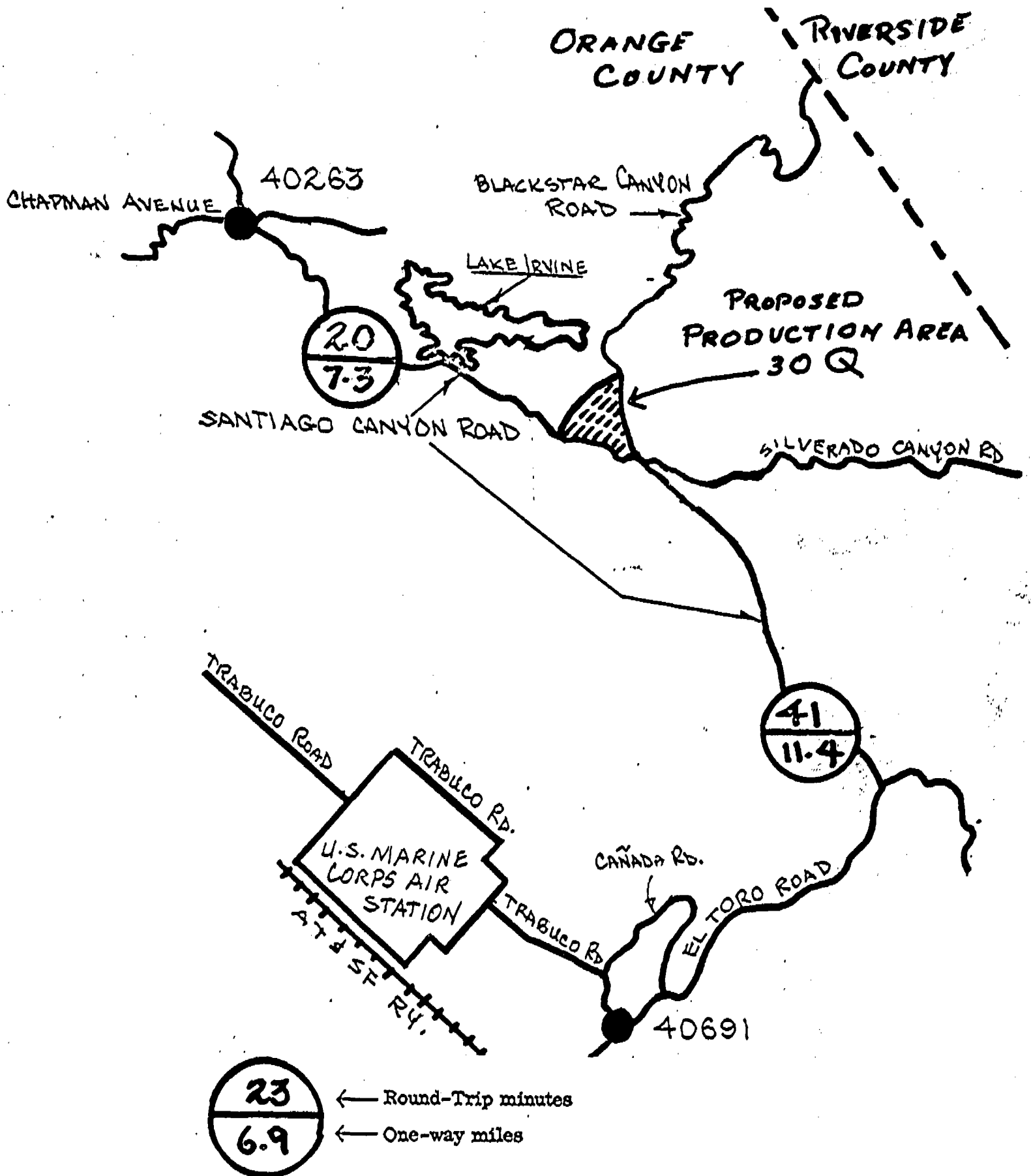
-4-

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

Extension of Orange County Traverse Network Map 4 Showing Tie-in Data Between Existing Traverse and Proposed Production Area 30-Q



Map and proposed production area not drawn to scale

(End)

APPENDIX B

LIST OF REVISED PAGES TO MINIMUM RATE TARIFFS 7,
17 AND DIRECTORY 1

MINIMUM RATE TARIFF 7:

TENTH REVISED PAGE 6

MINIMUM RATE TARIFF 17:

FIFTIETH REVISED PAGE 1-2

THIRTEENTH REVISED PAGE 1-2.1

ORIGINAL PAGE 5-Q

ORIGINAL PAGE 5-Q-1

DIRECTORY 1:

SECOND REVISED PAGE 145

SECOND REVISED PAGE 146

(END OF APPENDIX B LIST)

SECTION 2

DISTANCE RATES

1. Rates in this Section will not apply to transportation for which rates are specifically provided in Section 3 of this tariff. (Except as provided in Paragraph 3 hereof.)
2. Rates in this Section, except for the rates provided in Item 138, will apply only when a Distance Rate Notice as specified in Item 93 has been executed.
3. Rates in Sections 3 and 4 will not apply to transportation for which rates are specifically provided in Item 138.
4. In connection with transportation from Los Angeles County Production Areas 19-LL and 19-MM to points which are intermediate to Los Angeles County Delivery Zone 19703 and which lie along the route Soledad Canyon Road to State Sign Route 14 to Los Angeles County Delivery Zone 19703 or Soledad Canyon Road to Sand Canyon Road to Los Angeles County Delivery Zone 19703, the rates to be assessed under this Section shall not exceed the rates in Section 4 of Minimum Rate Tariff 17.
- *5. In connection with transportation from Orange County Production Area 30-0 to points which lie along Santiago Canyon Road or El Toro Road and which are intermediate to Orange County Delivery Zone 30026 or 30069, the rates to be assessed under this section shall not exceed the rates in Section 5 of Minimum Rate Tariff 17 for like transportation from Orange County Production Area 30-0 to Delivery Zone 30026 or 30069 as the case may be.

* Addition, Decision No. 78936

EFFECTIVE

Correction

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

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	7TH			1-21	5TH	75249	1/28/69
1-1	*50TH	77522	7/21/70	1-22	3RD	75249	1/28/69
1-2	*13TH			1-23	1ST	73653	1/23/68
1-2.1	9TH	77522	7/21/70	2	2ND		
1-2.2	5TH	77295	7/11/70	2-1	2ND	76331	10/28/69
1-2.3	12TH	77522	7/21/70	2-2	1ST	75317	2/11/69
1-2.4	6TH	77204	5/12/70	2-3	2ND	75317	2/11/69
1-3	6TH	77204	5/12/70	2-4	3RD	76331	10/28/69
1-3.1	4TH	77204	5/12/70	2-5	2ND	76331	10/28/69
1-4	2ND	75249	1/28/69	2-6	3RD	76943	3/17/70
1-4.1	4TH	76369	11/4/69	2-7	2ND	76331	10/28/69
1-5	5TH	74755	10/1/68	2-8	2ND	76331	10/28/69
1-6	4TH	75249	1/28/69	2-9	2ND	76331	10/28/69
1-7	6TH	76369	11/4/69	2-10	3RD	76943	3/17/70
1-8	1ST	74999	11/26/68	2-11	1ST	75317	2/11/69
1-8.1	3RD	77204	5/12/70	3	ORIGINAL	78241	2/2/71
1-9	1ST	78268	2/2/71	4	2ND		
1-10	1ST	77668	8/25/70	4-A	7TH	77522	7/21/70
1-11	ORIGINAL	77668	8/25/70	4-A-1	7TH	77522	7/21/70
1-11.1	ORIGINAL			4-A-2	8TH	77522	7/21/70
1-12	1ST	74755	10/1/68	4-B	7TH	77522	7/21/70
1-13	ORIGINAL	73999	4/16/68	4-B-1	7TH	77522	7/21/70
1-13.1	ORIGINAL	73999	4/16/68	4-B-2	8TH	77522	7/21/70
1-13.2	5TH	77204	5/12/70	4-CC	7TH	77522	7/21/70
1-14	ORIGINAL			4-CC-1	7TH	77522	7/21/70
1-14.1	5TH	77204	5/12/70	4-E	7TH	77522	7/21/70
1-15	2ND	77204	5/12/70	4-E-1	7TH	77522	7/21/70
1-15.1	ORIGINAL	77204	5/12/70	4-E-2	8TH	77522	7/21/70
1-15.2	4TH			4-F	7TH	77522	7/21/70
1-16	ORIGINAL			4-F-1	7TH	77522	7/21/70
1-17	1ST	77497	8/22/70	4-F-2	8TH	77522	7/21/70
1-18	ORIGINAL						
1-19							

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SAN FRANCISCO, CALIFORNIA

SECTION 1--RULES (CONTINUED)

TARIFF PAGES CHECK SHEET (CONTINUED)

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PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE SIGNED	PAGE NUMBER	REVISION NUMBER	DECISION NUMBER	DATE SIGNED
4-F-3	8TH	77522	7/21/70	5-D-2	7TH	77522	7/21/70
4-G	7TH	77522	7/21/70	5-D-3	6TH	77522	7/21/70
4-G-1	7TH	77522	7/21/70	5-F	8TH	77522	7/21/70
4-G-2	8TH	77522	7/21/70	5-F-1	1ST	77522	7/21/70
4-G-3	8TH	77522	7/21/70	5-G	8TH	77522	7/21/70
4-I	7TH	77522	7/21/70	5-G-1	6TH	77522	7/21/70
4-II	7TH	77522	7/21/70	5-G-2	7TH	77522	7/21/70
4-II-1	6TH	77522	7/21/70	5-G-3	8TH	77522	7/21/70
4-JA	6TH	77522	7/21/70	5-G-4	7TH	77522	7/21/70
4-JJ	7TH	77522	7/21/70	5-G-5	5TH	77522	7/21/70
4-JJ-1	7TH	77522	7/21/70	5-L	8TH	77522	7/21/70
4-KK	2ND	77522	7/21/70	5-L-1	8TH	77522	7/21/70
4-KK-1	2ND	77522	7/21/70	5-M	8TH	77522	7/21/70
4-KK-2	2ND	77522	7/21/70	5-M-1	8TH	77522	7/21/70
4-L	7TH	77522	7/21/70	5-O	7TH	77522	7/21/70
4-L-1	8TH	77522	7/21/70	5-P	7TH	77522	7/21/70
4-L-2	8TH	77522	7/21/70	5-P-1	6TH	77522	7/21/70
4-LL	1ST	77522	7/21/70	*5-Q	ORIGINAL		
4-LL-1	1ST	77522	7/21/70	*5-Q-1	ORIGINAL		
4-LL-2	1ST	77522	7/21/70	6	2ND		
4-M	7TH	77522	7/21/70	6-F	8TH	77522	7/21/70
4-M-1	7TH	77522	7/21/70	6-G	8TH	77522	7/21/70
4-M-2	8TH	77522	7/21/70	6-G-1	7TH	77522	7/21/70
4-M-3	8TH	77522	7/21/70	6-O	7TH	77522	7/21/70
4-MM	ORIGINAL	78405	3/9/71	6-O-1	6TH	77522	7/21/70
4-MM-1	ORIGINAL	78405	3/9/71	7	2ND		
4-MM-2	ORIGINAL	78405	3/9/71	7-A	7TH	77522	7/21/70
5	2ND			7-A-1	6TH	77522	7/21/70
5-A	8TH	77522	7/21/70	7-B	7TH	77522	7/21/70
5-A-1	8TH	77522	7/21/70	7-B-1	6TH	77522	7/21/70
5-A-2	6TH	77522	7/21/70	7-D	7TH	77522	7/21/70
5-B	7TH	77522	7/21/70	7-D-1	6TH	77522	7/21/70
5-B-1	7TH	77522	7/21/70	7-E	8TH	77522	7/21/70
5-B-2	6TH	77522	7/21/70	7-E-1	7TH	77522	7/21/70
5-D	8TH	77522	7/21/70	7-H	9TH	77522	7/21/70
5-D-1	8TH	77522	7/21/70	7-H-1	9TH	77522	7/21/70

* CHANGE

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CORRECTION

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

* SECTION 5 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 60

FROM ORANGE COUNTY PRODUCTION AREA 30-0
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
19134	205	19173	198	19208	173	19243	180	19278	215
19135	211	19174	185	19209	173	19244	168	19279	216
19136	234	19175	191	19210	184	19245	154	19280	208
19139	239	19176	187	19211	190	19246	153	19281	202
19140	241	19177	187	19212	198	19247	174	19282	197
19141	221	19178	189	19213	194	19248	183	19283	196
19142	215	19179	194	19214	198	19249	188	19284	189
19143	205	19180	199	19215	196	19250	225	19285	187
19144	205	19181	205	19216	197	19251	220	19286	193
19145	202	19182	213	19217	186	19252	210	19374	183
19148	196	19183	215	19218	186	19253	220	19375	181
19149	197	19184	218	19219	176	19254	210	19377	176
19150	201	19185	229	19220	174	19255	208	19378	174
19151	213	19186	237	19221	166	19256	198	19397	138
19152	224	19187	224	19222	169	19257	194	19398	145
19153	227	19188	216	19223	156	19258	184	19399	152
19154	243	19189	215	19224	164	19259	170	19413	155
19155	231	19190	209	19225	170	19260	174	19414	168
19156	238	19191	200	19226	174	19261	160	19415	167
19157	250	19192	171	19227	182	19262	154	19416	170
19158	249	19193	185	19228	191	19263	158	19417	178
19159	254	19194	201	19229	195	19264	160	19418	175
19160	266	19195	202	19230	182	19265	174	19419	166
19161	280	19196	210	19231	173	19266	183	19420	164
19162	291	19197	217	19232	161	19267	182	19421	158
19163	304	19198	213	19233	154	19268	185	19422	157
19164	312	19199	209	19234	154	19269	202	19423	150
19165	323	19200	215	19235	152	19270	210	19424	155
19166	232	19201	209	19236	146	19271	217	19425	147
19167	226	19202	200	19237	158	19272	211	19426	139
19168	233	19203	210	19238	165	19273	234	19427	133
19169	219	19204	197	19239	180	19274	214	19428	132
19170	211	19205	194	19240	197	19275	235	19429	153
19171	204	19206	186	19241	188	19276	224	19430	150
19172	202	19207	170	19242	178	19277	222	19431	144

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

* SECTION 5 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 60

FROM ORANGE COUNTY PRODUCTION AREA 30-U
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
19432	147	19467	131	30033	103	30068	94
19433	159	19468	129	30034	109	30069	84
19434	152	19469	119	30035	114	30070	85
19435	159	30001	99	30036	120	30071	94
19436	143	30002	99	30037	124	30072	102
19437	139	30003	113	30038	115	30073	93
19438	135	30004	123	30039	124	30074	101
19439	121	30005	128	30040	112	30075	110
19440	122	30006	126	30041	109	30076	117
19441	127	30007	125	30042	102	30077	121
19442	137	30008	117	30043	96	30078	114
19443	149	30009	105	30044	88	30079	114
19444	160	30010	86	30045	88	30080	112
19445	157	30011	93	30046	81	30081	100
19446	156	30012	97	30047	75	30090	116
19447	155	30013	105	30048	71	30091	124
19448	145	30014	107	30049	90	30092	122
19449	144	30015	112	30050	84	30093	122
19450	135	30016	122	30051	79	30094	117
19451	126	30017	123	30052	90	30095	112
19452	119	30018	117	30053	98	30096	100
19453	135	30019	111	30054	98	30097	114
19454	136	30020	102	30055	100	30098	125
19455	145	30021	99	30056	109	30099	86
19456	149	30022	89	30057	120	30100	96
19457	145	30023	86	30058	125	30101	104
19458	141	30024	78	30059	130	30102	115
19459	137	30025	79	30060	125	30103	125
19460	137	30026	51	30061	117	30116	122
19461	127	30027	59	30062	108	30117	132
19462	123	30028	65	30063	103	30118	135
19463	129	30029	79	30064	90		
19464	136	30030	74	30065	87		
19465	147	30031	85	30066	96		
19466	150	30032	91	30067	85		

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

SECTION 3--ORANGE COUNTY PRODUCTION AREAS AND DELIVERY ZONES (Continued)

ORANGE COUNTY PRODUCTION AREAS	AREA
<p>Beginning at a point approximately four-tenths (.4) mile east of Gypsum Creek on the Santa Ana Canyon Road (State Highway 91) and identified by a Division of Highways marker No. B486+75; westerly along the Santa Ana Canyon Road (State Highway 91) to a paved private road approximately one-tenth (.1) mile westerly of Gypsum Creek; southerly along said private road two-tenths (.2) mile; easterly along a line paralleling the Santa Ana Canyon Road (State Highway 91) to a point due south of said Division of Highways marker B486+75; north along a direct line to the point of beginning.</p>	30-G
<p>Beginning at Ellis and Golden West Avenue, in Huntington Beach; thence north along Golden West Avenue to Talbert; thence east along Talbert to Cothard; thence south along Cothard to Ellis; thence west along Ellis to the point of beginning.</p>	30-I
<p>Beginning at the intersection of Beach Boulevard (SSR 39) and Katella Avenue; southerly along Beach Boulevard (SSR 39) to Ruthann Avenue; easterly along a direct line to the intersection of Dale Street and the Pacific Electric Railway Company right-of-way; northerly along Dale Street to Katella Avenue; westerly along Katella Avenue to the point of beginning.</p>	30-J
<p>Beginning at the prolongation of Jefferson Street and the Santa Ana River; thence northerly along said prolongation and Jefferson Street to State Highway 91; thence westerly along State Highway 91 to its intersection with the southerly prolongation of Red Gum Street; thence southerly along said prolongation of Red Gum Street to the Santa Ana River; thence easterly along the Santa Ana River to point of beginning.</p>	30-K

No change on this page) Decision No. 78936

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SECTION 3--ORANGE COUNTY PRODUCTION AREAS AND
 DELIVERY ZONES (Continued)

ORANGE COUNTY PRODUCTION AREAS	AREA
<p>Beginning at the intersection of Walnut and Taylor Streets; thence west on Walnut Street to its intersection with Van Buren Street; thence south on the southerly extension of Van Buren Street to its intersection with the Santa Ana River; thence northeasterly on the Santa Ana River to its intersection with the southerly extension of Taylor Street; thence north on said extension of Taylor Street to the point of beginning.</p>	30-L
<p>Beginning at the intersection of the easterly extension of South Street and the Santa Ana River; thence westerly along said extension and along South Street to its intersection with Rio Vista Street; thence southwesterly along a direct line to the intersection of Eaton Way and Ball Road; thence southerly along Eaton Way to Taft Avenue; thence easterly along Taft Avenue and the easterly extension thereof to the intersection of said extension with the Santa Ana River; thence northeasterly along the Santa Ana River to the point of beginning.</p>	30-M
<p>Beginning at the intersection of Warner Avenue and Grand Avenue in the City of Santa Ana; thence north along Grand Avenue to a point exactly seven hundred feet north of said intersection; thence due west to Standard Avenue; thence south along Standard Avenue to Warner Avenue; thence east along Warner Avenue to the point of beginning.</p>	30-N
<p>An area northerly of the El Toro Marine Air Station more specifically described as the westerly $\frac{1}{2}$ of Block 152, Irvine Subdivision, as recorded in the records of the Orange County Recorder.</p>	30-O
<p>An area approximately 6 miles easterly of San Juan Capistrano more specifically described as the S $\frac{1}{4}$ of Section 35, Section 36, and the SE $\frac{1}{4}$ of Section 25, Township 7, South, Range 7 West, SBBM inclusive.</p>	30-P
<p>That area lying northerly of Santiago Canyon Road and westerly of Black Star Canyon Road within a radius of six-tenths (.6) mile from the intersection of Santiago Canyon Road and Silverado Canyon Road.</p>	* 30-Q

* Addition, Decision No. 78936

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 SAN FRANCISCO, CALIFORNIA.