

Decision No. 80754

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Apex Bulk Commodities,  
 a corporation, for authority to deviate  
 from the otherwise applicable minimum  
 rates in the transportation of Silica  
 sand, soda ash and limestone for the  
 accounts of Thatcher Glass Manufacturing  
 Company, Kerr Glass Manufacturing Cor-  
 poration, Ball Corporation and Glass  
 Containers Corporation.

Application No. 53616  
 (Filed September 27, 1972)

INTERIM OPINION AND ORDER

Apex Bulk Commodities operates as a highway permit carrier. It seeks authority under Section 3666 of the Public Utilities Code to assess less than the established minimum rates for the transportation of silica sand from the Mission Viejo plant of Owens-Illinois Glass Company (near San Juan Capistrano) to various locations, and for the transportation of limestone and soda ash. The service will be performed for Thatcher Glass Manufacturing Company, Ball Corporation, Kerr Glass Manufacturing Corporation, and Glass Containers Corporation.

The application herein, insofar as it relates to the transportation of silica sand, is similar to seven other applications filed by highway permit carriers seeking relief from minimum rates. Those highway permit carriers have been authorized to assess the rates proposed in their applications on an interim basis, pending hearing of their applications on a consolidated record with Order Setting Hearing 233, issued September 26, 1972, in Case No. 5437. OSH 233 was issued for the purpose of determining whether there should be a reduction in the minimum rates governing the transportation of silica sand in bulk in dump truck equipment from Mission Viejo to the various locations in the Los Angeles area where facilities are maintained for the manufacture of glass.

Similar temporary relief should be granted the applicant herein for the transportation of silica sand, and the application should be consolidated for hearing with OSH 233 in Case No. 5437.

With respect to soda ash and limestone, the application states that the transportation service can be performed in an exceptionally economical manner because the origin and destination points operate 24 hours per day, which will permit applicant to obtain the maximum usage of its equipment.

Cost studies attached to the application show that the rates proposed in the application will produce operating ratios for various hauls ranging from 76.9 to 94.5 percent.

The verified application shows that copies thereof were mailed to interested parties and the application was listed on the Commission's Daily Calendar. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and recommends that, in view of applicant's urgent need for the sought rate relief, the relief be granted by ex parte order on an interim basis pending a public hearing.

Subject to further review at a public hearing, it appears, and the Commission finds, that the proposed rates are reasonable. In view of the existing conditions, the Commission concludes that applicant should be granted interim authority for a period of six months to the extent hereinafter indicated.

IT IS ORDERED that:

1. Apex Bulk Commodities is authorized to charge less than the minimum rates established by this Commission for the transportation of processed silica sand, soda ash and limestone, in bulk, in dump truck equipment for Thatcher Glass Manufacturing Company, Ball Corporation, Kerr Glass Manufacturing Company, and Glass Containers Corporation, but not less than the rates set forth in Appendix A attached hereto and made a part hereof.

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

3. This proceeding will be consolidated for hearing with Order Setting Hearing 233 in Case No. 5437 and with the applications listed therein.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup>  
day of NOVEMBER, 1972.

Verma L. Spurgeon  
President  
William J. Spurgeon  
Richard J. Spurgeon  
John J. Spurgeon  
Edward J. Spurgeon  
Commissioners

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APEX BULK COMMODITIES

Applicant is authorized to transport silica sand, soda ash and limestone, in bulk, in dump truck equipment, from and to the points and at the rates named as follows:

- A. For the account of Thatcher Glass Manufacturing Company.
  - 1. Silica sand, from Mission Viejo plant of Owens-Illinois Glass Company, located on California State Highway 74 near San Juan Capistrano, California to Thatcher Glass Manufacturing Company plant at 22655 Springbrook, Saugus, California at a rate no less than \$2.82 per ton, 28 tons minimum weight.
  - 2. Soda ash, from Trona and West End to the said plant of Thatcher Glass Manufacturing Company at Saugus at a rate of \$4.75 per ton, 28 tons minimum weight.
  - 3. Limestone, (a) from Lucerne Valley to the said plant of Thatcher Glass Manufacturing Company at Saugus at a rate of \$4.00 per ton, 28 tons minimum weight and (b) from Colton to the said plant of Thatcher Glass Manufacturing Company at Saugus at a rate of \$2.68 per ton, 28 tons minimum weight.
- B. For the account of Ball Corporation.

Silica sand, from the said Mission Viejo plant of Owens-Illinois Glass Company near San Juan Capistrano to the plant of Ball Corporation at El Monte at a rate of \$1.80 per ton, 28 tons minimum weight.
- C. For the account of Kerr Glass Manufacturing Corporation.
  - 1. Silica sand, from the said Mission Viejo plant of Owens-Illinois Glass Company near San Juan Capistrano to the plant of Kerr Glass Manufacturing Corporation at Santa Ana at a rate of \$1.00 per ton, 28 tons minimum weight.

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2. Limestone from Colton to the said plant of Kerr Glass Manufacturing Corporation at Santa Ana at a rate of \$2.08 per ton, 28 tons minimum weight.
- D. For the account of Glass Containers Corporation.  
Silica sand, from the said plant of Owens-Illinois Glass Company near San Juan Capistrano to the plant of Glass Containers Corporation, 3601 South Santa Fe Avenue, Los Angeles, at a rate of \$1.80 per ton, 28 tons minimum weight.