

Decision No. 80757

**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 sand, rock,  
gravel and related items (commodities  
for which rates are provided in  
Minimum Rate Tariff Nos. 7 and 17-A).

Case No. 5437  
Petition for Modification  
No. 219

(Filed February 22, 1972)

OPINION AND ORDER

Petitioner, Sully-Miller Contracting Company (Sully-Miller), is engaged in the business of processing, marketing, and shipping rock, sand, gravel and asphaltic concrete. One of its plants for the processing of rock and sand is located in Orange County, north of Irvine Boulevard, in Rattlesnake Canyon, at the end of Jeffrey Road.

Petitioner states that it ships substantial quantities of rock and sand from said plant to various locations in Orange County each month, and that it utilizes the services of for-hire dump truck carriers for the transportation involved.

At present this transportation is subject to hourly and distance rates in Minimum Rate Tariff 7 (MRT 7). However, the minimum rates which apply for the transportation of rock, sand and gravel by for-hire dump truck carriers from most commercial rock products plants in Orange County and portions of Los Angeles, Riverside, San Bernardino and Ventura Counties are zone rates which are set forth in Minimum Rate Tariff 17-A (MRT 17-A), and which apply from designated production areas to defined delivery zones.

Sully-Miller alleges that the transportation of its shipments under the hourly rates requires costly supervision and increases the expense of billing customers and of paying the carriers. The distance rates assertedly are inequitable because they are not commensurate with the hourly and zone rates.

By this petition Sully-Miller seeks to have the system of zone rates in MRT 17-A extended to apply also to the transportation of its shipments of rock and sand from the aforesaid plant to destinations within the Orange County delivery zones.

The petition contains a description of the area which encompasses Sully-Miller's production facilities.<sup>1/</sup> It specifies the delivery zones to which it asks that zone rates as sought be established. It also contains a diagram which sets forth tie-in times and mileages from the proposed production area to the existing traverse network.

Copies of the verified petition were served on various known parties on or about February 21, 1972. The petition was listed on the Commission's Daily Calendar of February 23, 1972. An exhibit which was prepared by the Commission's Transportation Division to show the zone rates that would be established has been served upon various known interested parties.<sup>2/</sup> No objection to the granting of the petition has been received.

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<sup>1/</sup> A revised description of the proposed production area was also submitted by petitioner in a letter dated April 11, 1972. The letter is hereby made part of the record in this matter as Exhibit No. 1.

<sup>2/</sup> In addition to the rates the exhibit sets forth time, distance and cost data upon which the rates were calculated. The exhibit has been included in the record herein as Exhibit No. 2.

Findings:

1. The establishment of the zone rates which petitioner seeks would provide rates for the transportation of petitioner's shipments that are the same in kind and character as the zone rates in MRT 17-A which apply from numerous other production areas to delivery zones in Orange County.

2. The designation of Sully-Miller's plant area as a production area and the establishment of zone rates therefrom conforming to the zone rates in MRT 17-A for the transportation of rock, sand and gravel from other production areas in Orange County will result in just, reasonable and nondiscriminatory minimum rates for the transportation to which said rates would apply.

Conclusions:

The petition should be granted.

A public hearing thereon is not necessary.

The revised description of petitioner's proposed production area will be adopted in connection with the rates which are hereinafter prescribed. With some exceptions the rates will be computed on the basis of the traverse data contained in the diagram appended to the petition and on the basis of the traverse data contained in Exhibit 2. It appears that in some instances the traverse data do not reflect the shortest time routes over the traverse network from the proposed production area to the delivery zones involved. Corrections have been made where necessary to conform the data to the shortest time routes. The resultant data (those used in the calculation of the rates hereinafter prescribed) are set forth in the attached Appendices A and B.

By Decision No. 80578, dated October 11, 1972, in Case No. 5437 increases were affected in the zone rates in MRT 17-A, including those applicable within Orange County. The level of the zone rates which are hereinafter prescribed conforms to the level of the zone rates established by said decision for the transportation of rock and sand within Orange County. The formula which was used in the calculation of the rates is set forth in the attached Appendix C.

IT IS ORDERED that:

1. Directory 1 (Appendix A of Decision No. 69469, as amended) and Minimum Rate Tariff 17-A (Appendix C of Decision No. 80578) are amended by incorporating therein, to become effective December 16, 1972, the revised pages attached hereto and listed in Appendix D, also attached hereto, which pages and appendix are made a part hereof.

2. In all other respects, Decisions Nos. 69469 and 80578, as amended, shall remain in full force and effect.

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

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

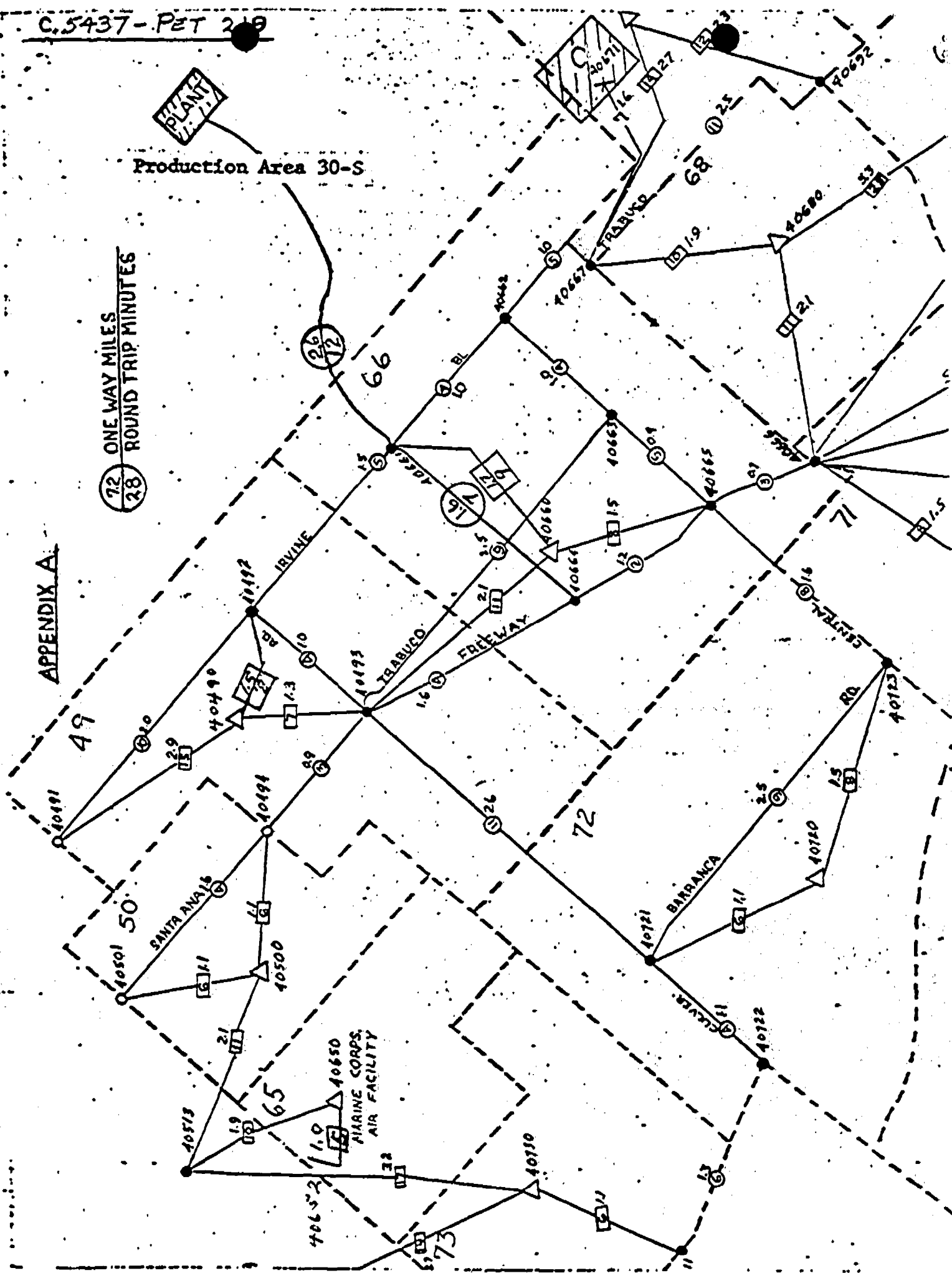
Vernon L. Sturgeon  
President  
William J. Lyons, Jr.  
John A. Brown  
John A. Brown  
John A. Brown  
Commissioners



Production Area 30-S

ONE WAY MILES  
ROUND TRIP MINUTES

APPENDIX A



APPENDIX B  
TRAVERSE DATA (AMENDED)

INDEX R

FROM ORANGE COUNTY PRODUCTION AREA 30-S  
TO THE FOLLOWING DELIVERY ZONES

DEL. ZONE	TIME	MILES	COST	RATE	DEL. ZONE	TIME	MILES	COST	RATE
30001	78.	21.9	.931	1.11	30046	46.	12.9	.626	.75
30002	78.	22.3	.937	1.12	30047	41.	10.7	.568	.69
30003	90.	26.5	1.062	1.27	30048	34.	7.4	.483	.58
30004	100.	26.7	1.122	1.34	30049	25.	5.6	.407	.49
30005	97.	28.6	1.131	1.34	30050	30.	7.1	.456	.55
30006	91.	26.4	1.067	1.27	30051	36.	9.8	.527	.63
30007	98.	27.8	1.126	1.34	30052	48.	12.4	.631	.75
30008	93.	24.8	1.057	1.26	30053	56.	14.2	.701	.84
30009	83.	21.6	.956	1.14	30054	64.	18.4	.804	.96
30010	64.	19.4	.817	.98	30055	64.	19.9	.824	.99
30011	72.	21.0	.885	1.05	30056	73.	21.8	.901	1.07
30012	74.	19.8	.880	1.05	30057	82.	25.3	1.000	1.19
30013	79.	22.6	.947	1.13	30058	86.	27.4	1.052	1.25
30014	71.	21.3	.883	1.05	30059	91.	25.8	1.059	1.27
30015	74.	23.5	.930	1.10	30060	86.	23.8	1.003	1.19
30016	84.	25.9	1.020	1.21	30061	77.	21.8	.924	1.11
30017	89.	24.9	1.035	1.24	30062	66.	19.7	.833	1.00
30018	83.	23.4	.980	1.17	30063	58.	16.4	.742	.89
30019	76.	22.1	.923	1.11	30064	45.	13.3	.626	.75
30020	67.	20.1	.844	1.01	30065	41.	10.1	.560	.68
30021	64.	19.3	.816	.98	30066	21.	4.3	.367	.44
30022	64.	17.9	.797	.96	30067	35.	7.3	.487	.59
30023	65.	18.7	.814	.98	30068	31.	6.5	.454	.55
30024	57.	16.9	.743	.89	30069	41.	9.3	.549	.66
30025	58.	17.5	.757	.90	30070	40.	9.1	.540	.65
30026	68.	14.6	.775	.93	30071	32.	7.6	.474	.57
30027	58.	12.6	.691	.83	30072	37.	8.5	.515	.62
30028	46.	13.3	.632	.76	30073	48.	11.2	.615	.74
30029	56.	14.5	.705	.85	30074	56.	16.4	.731	.87
30030	48.	13.0	.639	.76	30075	65.	18.2	.807	.97
30031	52.	14.9	.688	.83	30076	72.	19.7	.867	1.03
30032	57.	16.9	.743	.89	30077	76.	21.2	.910	1.09
30033	67.	20.6	.851	1.02	30078	69.	19.2	.843	1.01
30034	71.	22.6	.901	1.07	30079	69.	19.2	.843	1.01
30035	76.	23.9	.947	1.13	30080	65.	15.5	.770	.93
30036	82.	25.9	1.008	1.20	30081	50.	11.6	.632	.76
30037	85.	27.2	1.043	1.24	30090	73.	20.0	.877	1.05
30038	75.	25.3	.960	1.14	30091	86.	22.0	.979	1.17
30039	85.	27.2	1.043	1.24	30092	74.	18.3	.860	1.03
30040	73.	23.9	.930	1.10	30093	75.	17.8	.859	1.03
30041	71.	22.6	.901	1.07	30094	70.	18.0	.833	1.00
30042	64.	21.0	.839	1.00	30095	65.	17.1	.792	.95
30043	60.	18.9	.788	.94	30096	54.	13.9	.686	.83
30044	54.	16.1	.715	.86	30097	73.	18.3	.854	1.02
30045	50.	13.3	.655	.78	30098	79.	20.2	.914	1.10

ENDIX B  
TRAVERSE DATA (AMENDED)

INDEX R

FROM ORANGE COUNTY PRODUCTION AREA 30-S  
TO THE FOLLOWING DELIVERY ZONES

DEL. ZONE	TIME	MILES	COST	RATE
30099	46.	13.3	.632	.76
30100	56.	15.8	.723	.87
30101	63.	18.5	.799	.95
30102	73.	21.3	.895	1.07
30103	83.	24.1	.990	1.18
30116	79.	23.8	.963	1.15
30117	89.	26.3	1.054	1.26
30118	90.	27.5	1.076	1.28

Appendix C

Formula for Zone Rates for Rock, Sand and Gravel,  
Orange County (also Portions of Los Angeles, Riverside,  
San Bernardino, Santa Barbara, and Ventura Counties),  
Prescribed by Decision No. 80578, dated October 11, 1972

Rate per ton equals:

$$\frac{(\text{OW Miles} \times \$0.0135) \text{ plus } (\text{RT Min.} \times \$0.00574 \text{ plus } \$0.188)}{0.9085}$$

plus

$$(\text{RT Min.} \times \$0.00079) \text{ plus } \$0.025$$

OW = One Way

RT Min. = Round-Trip Minutes

(End)



APPENDIX D

LIST OF ORIGINAL AND REVISED PAGES TO  
MINIMUM RATE TARIFF 17-A AND DIRECTORY 1

MINIMUM RATE TARIFF 17-A:

ORIGINAL PAGE 5-S

DIRECTORY 1:

FIRST REVISED PAGE 147

FIRST REVISED PAGE 148

(END OF APPENDIX D)

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

COMMODITIES AS DESCRIBED IN ITEM 60

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

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
30001	111	30051	63										
30002	112	30052	75										
30003	127	30053	84										
30004	134	30054	96										
30005	134	30055	99										
30006	127	30056	107										
30007	134	30057	119										
30008	126	30058	125										
30009	114	30059	127										
30010	98	30060	119										
30011	105	30061	111										
30012	105	30062	100										
30013	113	30063	89										
30014	105	30064	75										
30015	110	30065	68										
30016	121	30066	44										
30017	124	30067	59										
30018	117	30068	55										
30019	111	30069	66										
30020	101	30070	65										
30021	98	30071	57										
30022	96	30072	62										
30023	98	30073	74										
30024	89	30074	87										
30025	90	30075	97										
30026	93	30076	103										
30027	83	30077	109										
30028	76	30078	101										
30029	85	30079	101										
30030	76	30080	93										
30031	83	30081	76										
30032	89	30090	105										
30033	102	30091	117										
30034	107	30092	103										
30035	113	30093	103										
30036	120	30094	100										
30037	124	30095	95										
30038	114	30096	83										
30039	124	30097	102										
30040	110	30098	110										
30041	107	30099	76										
30042	100	30100	87										
30043	94	30101	95										
30044	86	30102	107										
30045	78	30103	118										
30046	75	30116	115										
30047	69	30117	126										
30048	58	30118	128										
30049	49												
30050	55												

DECISION NO.

80757

EFFECTIVE

CORRECTION

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

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

ORANGE COUNTY DELIVERY ZONES

ZONE

The northeast 1/4, of the southwest 1/4, of  
Block 108 Irvine Subdivision, T-5-S., R. 8W., S.B.M.

\*30-S

\* Addition, Decision No.

80757

EFFECTIVE

Correction

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

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

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No change on this page, Decision No.

80757

EFFECTIVE

Correction

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