

Decision No. 80790

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
ROCKO TRANSPORTATION, INC., a corpo- )  
ration, 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. 53701  
(Filed November 20, 1972)

INTERIM OPINION AND ORDER

Rocko Transportation, Inc., a corporation, holds radial highway common carrier, highway contract carrier and dump truck carrier permits. By this application, it seeks authority to transport large quarried rock and stone on flatbed equipment for Silberberger Engineers, Inc. (Silberberger), from Pacific Rock Quarry in Riverside County to Newport Beach, a distance of 33.9 miles, at a rate of \$2.08 per ton, minimum weight 22 tons, which is less than, and differs from, the established minimum rates set forth in Minimum Rate Tariff 2.

Applicant states that the shipper has entered into a contract with the Department of Army Corps of Engineers for the construction of "Groins and Beach Fill, Santa Ana River to Newport Pier", which requires the use of large quarry rock up to 15 tons in size. Applicant alleges that the project was scheduled to commence on or about November 30, 1972, and it has been requested to perform the involved transportation service.

Applicant declares that it has previously been authorized in 1967 and 1970 to transport large quarried rock on flatbed equipment for

Silberberger at rates based on the minimum rates for such transportation in dump truck equipment.<sup>1</sup> Applicant asserts that, after 2 days of hearing, evidence was established that the transportation performed on flatbed equipment was reasonable and compensable when equivalent to the established rate for dump truck equipment and that it was unsafe and impractical to haul large size quarry rock in dump truck equipment. Applicant avers that the conditions for the subject transportation are the same as they were for the services performed under the aforementioned decisions.

The verified application shows that copies thereof were served on the California Trucking Association, California Dump Truck Owners Association and Associated Independent Owner-Operators, Inc., on or about November 17, 1972. The application was listed on the Commission's Daily Calendar of November 22, 1972. No objection to the granting of the application has been received.

Commission staff analysis discloses that, if the subject transportation were performed with dump truck equipment subject to the rates in Minimum Rate Tariff 7, the applicable rate would be \$1.73 per ton. Applicant is proposing to perform the transportation on flatbed equipment, which is subject to the rates and rules of MRT 2 $\frac{1}{2}$  at a rate less than the applicable rate in MRT 2 but higher than the rate otherwise applicable in MRT 7. In view of applicant's urgent need for the sought rate relief, the staff recommends that the application be granted on an interim basis for a period of six months pending evidence to be adduced at a public hearing.

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<sup>1</sup> Decision No. 72930 dated August 15, 1967, Decision No. 73676 dated January 30, 1968 and Decision No. 74187 dated May 28, 1968, in Application No. 49555, and Decision No. 77399 dated June 23, 1970, in Application No. 51872.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, the Commission finds that the proposed rate is reasonable. The Commission concludes that applicant should be granted interim authority for a period of six months to the extent herein-after indicated. A future public hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Rocko Transportation, Inc., a corporation, is hereby authorized to transport shipments of large quarried rock and stone on flatbed equipment for Silberberger Engineers, Inc., from Pacific Rock Quarry in Riverside County to a job site at Newport Beach at a rate less than, and different from, the established minimum rate but not less than \$2.08 per ton, subject to a minimum tonnage per shipment of 22 tons.

2. The 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 in this proceeding for the receipt of evidence on this application and full disposition thereof.

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

Dated at San Francisco, California, this  $\sqrt{th}$  day of December, 1972.

*Vernon L. Sturgen*  
President  
*William J. ...*  
*...*  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.