

ORIGINALDecision No. 81714

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 J.I.M. CORPORATION, a California
 corporation, for an Order authorizing
 Applicant to deviate from certain
 minimum rates on shipments transported
 for BALL CORPORATION, pursuant to
 Section 3666 of the Public Utilities
 Code.

Application No. 53735
 (Filed December 5, 1972;
 amended May 29, 1973)

SECOND INTERIM OPINION AND ORDER

J.I.M. Corporation operates as a highway permit carrier. Decision No. 80919 in this proceeding granted temporary authority to J.I.M. Corporation to assess a less than minimum rate for the transportation of processed silica sand for Ball Corporation from the Mission Viejo production plant of Owens-Illinois Glass Company near the city of San Juan Capistrano to the plant of the Ball Corporation located at 300 North Arden Drive, El Monte. The authority was granted on an interim basis for a six-month period, pending hearing. That authority was extended until further order of the Commission by Resolution No. SDD-73.

The Commission has been informed by Owens-Illinois Glass Company that its production facility at Mission Viejo will not be operative for approximately a one-year period. (See Exhibit 233-3, Case No. 5432, OSH 233.) The amendment to the application herein filed May 29, 1973 alleges that during the time the Mission Viejo production facility is not in operation, Ball Corporation will continue to obtain the silica sand needed for its glass manufacturing operation from the production facility located at Weisel. Applicant requests that the additional origin point of Weisel be added, and that it be granted interim authority for a six-month period in order to develop the necessary cost data pertaining to service from Weisel.

Applicant represents that the previously authorized rate from Mission Viejo will be reasonable for application from Weisel inasmuch as Weisel is fifteen miles closer to destination than Mission Viejo.

Service of the amendment to the application was made upon all appearances in Case No. 5437, OSH 233, involving rates on silica sand from Mission Viejo. California Trucking Association requests that the amended application be set for hearing.

In the circumstances, the Commission finds that, subject to review at a public hearing, the proposed rate from Weisel to El Monte will be reasonable for the transportation of silica sand. In view of existing conditions, the Commission concludes that applicant should be granted interim authority from Weisel for a period of six months.

IT IS ORDERED that:

1. J.I.M. Corporation is authorized to transport processed silica sand in dump truck equipment for Ball Corporation from Weisel to the plant of Ball Corporation at El Monte at a rate less than the Commission's established minimum rate but not less than \$1.80 per ton, minimum charge 26 tons per unit of equipment.

2. The authority granted herein shall expire six months after the effective date of this order. The authority granted herein will not be modified or extended by the Commission, except upon further order following a public hearing.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14th
day of AUGUST, 1973.

Richard L. Stinson
President

[Signature]

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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