

**ORIGINAL**Decision No. 81867

## 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 re- )  
 lating to the transportation of )  
 sand, rock, gravel and related )  
 items (commodities for which )  
 rates are provided in Minimum )  
 Rate Tariff No. 7). )

Case No. 5437  
 (Petition for Modification  
 No. 247)  
 (Filed May 18, 1973)

OPINION AND ORDER

Crystal Silica Company is engaged in the business of producing, marketing and distributing silica sand. By this petition, it seeks removal of the restriction governing the distance rates in Minimum Rate Tariff 7 (MRT 7) for the transportation of silica sand from, to and within the Western San Diego County District.<sup>1</sup>

Petitioner avers that the restriction was established by Decision No. 77204 and it did not receive notice concerning the proceeding resulting in said decision. Petitioner declares that its plant is located in the Western San Diego County District and the aforementioned restriction precludes the application of distance rates on sand from, to and within the Western San Diego County District.

Petitioner alleges that the hourly rates, which apply in lieu of said distance rates to the transportation of silica sand from and to its plant, can vary according to the circumstances surrounding each shipment. Petitioner states that it is impossible to quote a definite transportation cost to consummate sales of silica sand when the transportation cost is on an unknown basis

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<sup>1</sup> Western San Diego County District is described in detail in Item 115 of MRT 7.

because of time variance. Petitioner asserts that it finds itself at a competitive disadvantage since its competitors serve the same California markets from origin points outside the Western San Diego County District under the distance rates in question.

Attached to the petition are letters from La Habra Products, Inc., Brockway Glass Company, Inc., Thatcher Glass Manufacturing Company, Anchor Hocking, Austin Laws Truck Lines, Inc., McClinton Trucking Company, Pyramid Commodities and Transport Business Service, Inc. indicating that such parties support petitioner's proposal.

Copies of the verified petition were served on various known interested parties on or about May 16, 1973. The petition was listed on the Commission's Daily Calendar of May 21, 1973. Owens-Illinois has, by statement to the Commission, indicated that it supports the petition. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that removal of the restriction governing the distance rates for the transportation of silica sand from, to and within the Western San Diego County District, as requested, is reasonable and the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that Minimum Rate Tariff 7 (Appendix A to Decision No. 32566, as amended) is further amended by incorporating therein, to become effective October 1, 1973, Nineteenth Revised Page 8 attached hereto and by this reference made a part hereof.

In all other respects, Decision No. 32566, as amended, shall remain in full force and effect.

The effective date of this order shall be September 28, 1973.

Dated at San Francisco, California, this 12<sup>th</sup> day of September, 1973.

William L. Sturgeon, Jr. President  
[Signature]  
[Signature]  
[Signature] Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 2--DISTANCE RATES (Continued) In Cents Per Ton						ITEM
MATERIAL, viz.: (1)						
(2) Granite, decomposed,	Cement, clinker,	Perlite rock, crude, not				
(3) Gravel,	Clay,	expanded, not further				
(3) Sand,	Cullet (glass, broken	processed than broken,				
(3) Stone, crushed, chips, waste,	or crushed),	crushed or ground,				
Stone, natural, blocks, pieces	Dolomite, dead-burned,	Pyrite cinders,				
or slabs, rough quarried,	Earth,	Pyrophyllite, crude, in				
Stone, natural, sawed, not	Gypsum rock, crude, not	blocks, pieces or slabs,				
further finished,	further processed than	rough quarried,				
Barium, clay or silicate mud	broken or crushed,	Shale,				
compounds, dry, oilwell	Loam,	Slag,				
drilling,	Mill scale,	Soapstone or Talc, crude,				
	Mud, dry, oilwell drilling,	in blocks, pieces or				
		slabs, rough quarried				
		or not further finished				
		than sawed or chipped				
		on four sides.				
Between Points in Southern Territory (See Items 100 and 120).						
MILES		RATE	MILES		RATE	
Over	But Not Over		Over	But Not Over		
0	1	22	30	31	155	
1	2	27	31	32	155	
2	3	34	32	33	155	
3	4	39	33	34	155	
4	5	44	34	35	155	
5	6	49	35	37	173	
6	7	56	37	39	173	
7	8	61	39	40	173	
8	9	66	40	41	191	
9	10	71	41	43	191	
10	11	80	43	45	191	
11	12	80	45	50	208	
12	13	87	50	55	228	
13	14	87	55	60	244	
14	15	95	60	65	261	
15	16	95	65	70	279	
16	17	103	70	75	296	
17	18	103	75	80	314	
18	19	110	80	85	332	
19	20	110	85	90	350	
20	21	119	90	95	368	
21	22	119	95	100	384	
22	23	119	100	(See Note)		
23	24	128	NOTE.--Add to rate for			
24	25	128	100 miles for each 5			
25	26	128	miles or fraction			
26	27	138	thereof			
27	28	138			18	
28	29	138				
29	30	138				
(1) Rates do not apply on commodities described in Item 146.						
(2) Rates on decomposed granite alternate with the rates in Section 16 of Minimum Rate Tariff 17-A from Production Areas 19-EE, 19-Q, 19-QA, 19-QB, 19-R and 19-Z.						
(3) Rates do not apply to these commodities, except silica sand, to, from or within Western San Diego County District as described in Item 115.						
Change, ) Reduction ) Decision No. 81867						
EFFECTIVE						
Correction						
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.						