

Decision No. 82095

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HARRISON-NICHOLS COMPANY, LTD. for authority to depart from the minimum rates, rules and regulations of Minimum Rate Tariff No. 7, pursuant to the provisions of Section 3666 of the Public Utilities Code, for transportation of sand for OWENS-ILLINOIS GLASS COMPANY.

Application No. 52895  
(Filed September 27, 1971)

In the Matter of the Application of BULK TRANSPORTATION, a corporation, to perform transportation services for ANCHOR HOCKING CORPORATION, in the movement of sand from Mission Viejo to Maywood, at less than minimum rates.

Application No. 52961  
(Filed October 29, 1971)

In the Matter of the Application of BULK TRANSPORTATION, a corporation, to perform transportation services for GLASS CONTAINER CORPORATION, in the movement of sand from Mission Viejo to Vernon, at less than minimum rates.

Application No. 52962  
(Filed October 29, 1971)

In the Matter of the Application of JCWALTKEN, INC., a California corporation, for authority to deviate from minimum rates pursuant to Section 3666 of the Public Utilities Code, for Glass Container Corporation.

Application No. 53256  
(Filed April 10, 1972)

In the Matter of the Application of FIL VENTURA, JR., an individual, for authority to deviate from minimum rates pursuant to Section 3666 of the Public Utilities Code, for Latchford Glass Company.

Application No. 53265  
(Filed April 12, 1972)

In the Matter of the Application of JOWALTKEN, INC., a California corporation, for authority to deviate from minimum rates pursuant to Section 3666 of the Public Utilities Code, for Latchford Glass Company.

Application No. 53267  
(Filed April 12, 1972)

In the Matter of the Application of DAVID DITTO, an individual doing business as DITTO FREIGHT LINES, for authority to deviate from minimum rates to the extent shown in Exhibit 1 hereto for transportation of processed silica sand and sodium (soda) carbonate (soda ash) between points shown on Exhibit 1 hereto for Thatcher Glass Company.

Application No. 53449  
(Filed July 11, 1972)

Application of HARRISON-NICHOLS COMPANY, LTD. for authority to depart from the minimum rates, rules and regulations of Minimum Rate Tariff No. 7, pursuant to the provisions of Section 3666 of the Public Utilities Code, for transportation of sand for ANCHOR HOCKING CORPORATION.

Application No. 53723  
(Filed December 1, 1972)

#### ORDER TERMINATING PROCEEDINGS

In the captioned proceedings applicants have been granted interim authority, pending hearing, to charge less than the established minimum rates for the transportation of silica sand and related commodities for various shippers. The interim rate authorities (except Application No. 53723), initially scheduled to expire March 1, 1973, were extended until further order of the Commission by Decision No. 81087 dated February 23, 1973.

Each of the applications seek authority to transport silica sand for various glass manufacturers from the Mission Viejo production plant of Owens-Illinois, Inc. near the city of San Juan Bautista.

By letter to the Commission dated May 1, 1973, Mr. D. M. Enos, Director of Purchasing and Traffic, Pacific Region of Owens-Illinois, Inc., advised that the Mission Viejo plant had temporarily ceased operations for an estimated one-year period.<sup>1/</sup> It now appears that the Mission Viejo plant will not be in operation for at least the full period estimated in Mr. Enos' letter referred to above and more likely will not be in full operation for a longer period of time.

The applications have been on file with the Commission for periods in excess of one year and the cost data and other factual information supplied therein are no longer up to date and do not reflect current operating conditions. No transportation of silica sand has been performed under the interim authorities.

In the circumstances the Commission concludes that no useful regulatory purpose would be served by continuing the captioned applications in effect.

Therefore, IT IS ORDERED that the less than minimum rate authorities granted in the following decisions are terminated on the effective date of this order:

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<sup>1/</sup> Mr. Enos' letter was made part of the record in OSH 233 in Case No. 5437 as Exhibit 233-3.

Decisions Nos.  
79243, 79801, and 80405  
79413, 79973, and 80400  
79414, 79974, and 80402  
80020 and 80447  
80019 and 80443  
80021 and 80444  
80438  
80923

Applications Nos.  
52895  
52961  
52962  
53256  
53265  
53267  
53449  
53723

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup>  
day of NOVEMBER, 1973.

Vernon L. Sturgeon  
President

William J. Quinn

J. P. McKeown

[Signature]

[Signature]  
Commissioners