

Decision No. 82184

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 highway carriers relating to }
the transportation of sand, rock, }
gravel and related items (commodi- }
ties for which rates are provided }
in Minimum Rate Tariff 17-A).

Case No. 5437

Petition for Modification
No. 228

(Filed July 26, 1972)

OPINION AND ORDER

Petitioner, H. G. Fenton Material Company (Fenton), a California corporation, is engaged in the business of producing, marketing, and distributing rock, sand, and gravel at various points in San Diego County. By this petition Fenton seeks to have its production facilities in the vicinity of Pala designated as a dump truck production area in Southern California Production Area and Delivery Zone Directory 1 (Directory 1), and zone rates established therefrom in Minimum Rate Tariff 17-A (MRT 17-A).

The description of the proposed production area is as follows:

All of the land included in the northeast quarter of Section 32, Township 9 South, Range 2 West, San Bernardino Base and Meridian (generally westerly of Pala Mission).

At present the transportation of shipments of rock, sand, and gravel from petitioner's Pala facilities by for-hire dump truck carriers is subject to hourly rates in Minimum Rate Tariff 7. However, the minimum rates which apply for the transportation of rock, sand, and gravel by dump truck carriers from many commercial rock products plants in San Diego County are zone rates which are set forth in MRT 17-A.

Petitioner contends that under hourly rates it is unable to utilize the services of for-hire transportation to the extent that it desires, whereas under zone rates it would be able to make greater use thereof. The producer states that its Pala facilities are in close proximity to San Diego County Production Area 37A from which San Diego Consolidated Co., a competitor, ships rock, sand, and gravel under zone rates. It asserts that zone rates as sought should be established to provide rate parity with that producer. Fenton seeks to have zone rates established to the same San Diego County and Orange County delivery zones as are presently established from San Diego County Production Areas 37A and 37H. Petitioner requests ex parte disposition of this matter.

Since the filing of its petition Fenton has filed tie-in times and mileages from the proposed production area to the existing traverse network. The tie-in data are included in the file in this petition as Exhibit No. 1. The staff has prepared a traverse map section showing the proposed production area and the tie-in data to the traverse network. The traverse map section is attached hereto as Appendix A. The staff also has prepared a runout of round trip times, one-way miles, costs, and resulting zone rates. These data are included in the file in this petition as Exhibit No. 2.

Copies of the verified petition were served on various known interested parties on or about July 24, 1972. The petition was listed on the Commission's Daily Calendar. Petitioner states that it has been authorized by California Dump Truck Owners Association, San Diego County Rock Producers Association, and San Diego Consolidated Co. to state that each of them supports establishment of the proposed production area and zone rates therefrom as sought. No objection to the granting of the petition has been received.

It is clear that the establishment of the zone rates which are sought by petitioner would provide rates for the transportation of petitioner's shipments which are the same, in kind

and character as the zone rates in MRT 17-A which apply from other production areas in San Diego County to delivery zones in San Diego and Orange counties. In the circumstances the Commission finds that the designation of petitioner's plant area as a production area and the establishment of zone rates therefrom as hereinafter provided will result in just, reasonable, and nondiscriminatory minimum rates for the transportation to which the rates would apply. The production area and rates therefrom should be established. The petition should be granted. A public hearing thereon is not necessary.

IT IS ORDERED that:

Directory I (Appendix A of Decision No. 69469, as amended) and Minimum Rate Tariff 17-A (Appendix C of Decision No. 80578, as amended) are further amended by incorporating therein, to become effective December 28, 1973, the revised pages attached hereto in Appendix B and by this reference made a part hereof.

In all other respects Decisions Nos. 69469 and 80578 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 27th
day of NOVEMBER, 1973.

Vernon L. Sturges
President
William J. Smith
H. W. Brown
John W. Brown
James W. Brown
Commissioners

APPENDIX B

LIST OF REVISED PAGES TO
DIRECTORY 1

SECOND REVISED PAGE 252.3
SECOND REVISED PAGE 252.4

LIST OF REVISED PAGES TO
MINIMUM RATE TARIFF 17-A

FIRST REVISED PAGE 8-S
ORIGINAL PAGE 8-SS
FIRST REVISED PAGE 8-T

(END OF APPENDIX B)

SECTION 6--SAN DIEGO COUNTY PRODUCTION AREAS AND DELIVERY ZONES (Continued)	
SAN DIEGO COUNTY PRODUCTION AREAS	AREA
Beginning at the intersection of Rancho Panita Dr. and Mission Gorge Rd.; west on Mission Gorge Rd. and Fr. Junipero Serra Rd. a distance of 1-1/2 miles (vicinity of Old Mission Dam); north to the San Diego River; easterly along the San Diego River to a point where the northerly extension of Rancho Panita Dr. intersects the San Diego River; southerly on said extension to the point of beginning.	37-O
All of the land included in the northwest quarter of the northwest quarter of Section 2, T. 19 S., R. 2 W., SBBM (westerly side of Dairy Mart Rd., southerly of the Tia Juana River).	37-00
Beginning at the junction of Riverford Rd. and Woodside Ave.; southwesterly along Woodside Ave. to Magnolia Ave.; northerly along Magnolia Ave. to (Old) Magnolia Ave.; westerly along (Old) Magnolia Ave. to Cottonwood Ave.; northerly along Cottonwood Ave. to Mast St.; easterly along Mast St. to Magnolia Ave.; northerly along Magnolia Ave. to El Nopal; easterly along El Nopal to Riverford Rd.; southerly along Riverford Rd. to the point of beginning.	37-P
All of the land included in the northeast quarter of Section 2, T. 19 S., R. 2 W., SBBM, lying southwesterly of Interstate Hwy. 5 (near Cottonwood Rd. and adjacent to and astride the Tia Juana River).	37-PP
Beginning at the junction of Cherry Rd. and Westhill Rd.; southwesterly and westerly along Cherry Rd. to Golden Ridge Rd.; southwesterly along Golden Ridge Rd. to its junction with Jessica Ln.; westerly along a direct line to a point southeast of the junction of Shadowhill Rd. and Meadow Terrace Dr.; northwest to said junction; northwesterly along Shadowhill Rd. to Woodside Ave.; northeasterly and easterly along Woodside Avenue to Marilla Dr.; southerly along Marilla Dr. to Westhill Rd.; southerly along Westhill Rd. to the point of beginning.	37-Q
All points northerly of Highland Valley Rd. and within a one-mile radius of the intersection of said Highland Valley Rd. and an unnamed road leading northerly from Highland Valley Rd. approximately 2.7 miles easterly of Pomerado Rd. This area is in the vicinity of the upper end of Lake Hodges.	37-QQ
Beginning at the intersection of Lakeside Ave. and State Hwy. 67; southerly along State Hwy. 67 to Woodside Ave.; westerly along Woodside Ave. to Riverford Rd.; northerly along Riverford Rd. to Riverside Dr.; easterly along Riverside Dr. to Lakeside Ave.; easterly along Lakeside Ave. to the point of beginning.	37-R
All points southerly of Dehesa Rd. and within a one-mile radius of the intersection of Dehesa Rd. and the private road leading to the Consolidated Rock Company production plant approximately 1.2 miles east of the intersection of Willow Glen and Dehesa Rd. in San Diego County.	37-RR
Beginning at the junction of Willow Rd. and Virden St.; southerly along Virden St. to El Monte Rd.; southerly along El Monte Rd. and Julian Ave. to Lake Jennings Park Rd.; westerly along Lake Jennings Park Rd. and Maple View St. to State Hwy. 67; northerly along State Hwy. 67 to Morena Ave.; northeasterly along Morena Ave. to Willow Rd.; easterly along Willow Rd. to the point of beginning.	37-S
All of the land included in the northeast quarter of Section 32, Township 9 South, Range 2 West, San Bernardino Base and Meridian (generally westerly of Pala Mission).	37-SS
* Addition, Decision No. 82184	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

CANCELS

SECTION 6--SAN DIEGO COUNTY PRODUCTION AREAS AND
DELIVERY ZONES (Continued)

AREA	SAN DIEGO COUNTY PRODUCTION AREAS
37-T	Beginning at the intersection of Friars Rd. and Murphy Canyon Rd.; northerly along Murphy Canyon Rd. to Aero Dr.; westerly along Aero Dr. to Marathon Dr.; southerly along Marathon Dr. to Fermi Ave.; westerly along Fermi Ave. to Mission Village Dr.; southerly along Mission Village Dr. to Friars Rd.; easterly along Friars Rd. to the point of beginning.
37-U	Beginning at a point on Mission Gorge Rd. 500 ft. easterly of the junction of Mission Gorge Rd. and Conestoga Wy.; due north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of Mission Gorge Rd. to a point exactly 1/2 mile north of a point on Mission Gorge Rd. 1 mile westerly of the junction of Mission Gorge Rd. and Conestoga Wy.; southerly along said line to Mission Gorge Rd.; easterly along Mission Gorge Rd. to the point of beginning.
37-V	Beginning at a point on Mission Gorge Rd. 500 ft. easterly of the junction of Mission Gorge Rd. and Conestoga Wy.; due north 1/2 mile; easterly along a line parallel to and 1/2 mile northerly of Mission Gorge Rd. to Fr. Junipero Serra Rd.; southerly along Fr. Junipero Serra Rd. to Mission Gorge Rd.; westerly along Mission Gorge Rd. to the point of beginning.
37-W	Beginning at the intersection of U.S. Hwy. 395 and the San Diego River; northerly along U.S. Hwy. 395 to Genesee Ave.; easterly along Genesee Ave. and its easterly extension to Interstate Hwy. 805; southerly along Interstate Hwy. 805 to the San Diego River; westerly along the San Diego River to the point of beginning.
37-X	Beginning at the intersection of Murphy Canyon Rd. and the San Diego River; northerly along Murphy Canyon Rd. to Friars Rd.; westerly along Friars Rd. to Mission Village Rd.; northerly along Mission Village Rd. to Irvington Rd.; westerly along Irvington Rd. and its westerly extension to Interstate Hwy. 805; southerly along Interstate Hwy. 805 to the San Diego River; easterly along the San Diego River to the point of beginning.
37-Y	Beginning at the intersection of Twain Ave. and Mission Gorge Rd.; westerly along Twain Ave. to the San Diego River; northerly and northeasterly along the San Diego River to Zion Ave.; easterly along Zion Ave. to Mission Gorge Rd.; southerly along Mission Gorge Rd. to the point of beginning.
37-Z	Beginning at a point on El Monte Rd. exactly 1 mile easterly of Virden St.; easterly along El Monte Rd. to the entrance to El Monte Park; north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of El Monte Rd. to a point 1/2 mile north of a point on El Monte Rd. exactly 1 mile easterly of Virden St.; south 1/2 mile to the point of beginning.
<p>No change on this page, Decision No. 82184</p>	
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction

SECTION 8 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-S
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
30066	444	37132	251	37319	194	37369	188	37444	125	37541	57	37935	163
30067	455	37133	282	37320	197	37370	175	37445	143	37542	38	37940	180
30068	443	37134	275	37321	198	37371	164	37446	161	37543	29		
30069	426	37135	270	37322	212	37372	155	37447	130	37601	39		
30070	428	37136	262	37323	217	37373	159	37448	119	37602	44		
30071	440	37137	272	37324	233	37374	146	37449	117	37603	38		
30094	426	37138	289	37325	232	37375	150	37450	106	37604	20		
30095	420	37139	272	37326	227	37401	179	37451	101	37605	44		
30096	423	37140	263	37327	238	37402	168	37452	112	37606	52		
30097	399	37141	267	37328	250	37403	163	37453	117	37607	65		
30098	391	37142	261	37329	251	37404	158	37454	122	37608	71		
30099	410	37143	249	37330	246	37405	134	37501	159	37609	79		
30100	395	37201	252	37331	246	37406	136	37502	147	37610	42		
30101	381	37202	263	37332	239	37407	130	37503	156	37611	50		
30102	374	37203	272	37333	235	37408	130	37504	153	37801	57		
30103	381	37204	285	37334	226	37409	128	37505	161	37802	55		
30116	361	37205	276	37335	224	37410	117	37506	164	37901	116		
30117	350	37206	265	37336	214	37411	126	37507	151	37902	112		
30118	342	37207	257	37337	205	37412	131	37508	137	37903	109		
37101	344	37208	243	37338	192	37413	144	37509	121	37904	100		
37102	356	37209	229	37339	187	37414	125	37510	128	37905	91		
37103	324	37210	216	37340	190	37415	152	37511	123	37906	87		
37104	335	37211	202	37341	185	37416	148	37512	112	37907	98		
37105	351	37212	192	37342	181	37417	149	37513	98	37908	93		
37106	345	37213	184	37343	188	37418	156	37514	84	37909	101		
37107	327	37214	216	37344	199	37419	160	37515	84	37910	110		
37108	323	37215	197	37345	216	37420	156	37516	105	37911	112		
37109	313	37216	177	37346	224	37421	129	37517	121	37912	118		
37110	300	37217	173	37347	214	37422	107	37518	128	37913	118		
37111	291	37218	175	37348	210	37423	99	37519	119	37914	127		
37112	300	37219	175	37349	212	37424	108	37520	116	37915	113		
37113	311	37220	167	37350	218	37425	122	37521	107	37916	108		
37114	323	37301	239	37351	227	37426	136	37522	97	37917	123		
37115	307	37302	250	37352	210	37427	147	37523	69	37918	140		
37116	298	37303	238	37353	227	37428	157	37524	46	37919	167		
37117	285	37304	225	37354	229	37429	139	37525	33	37920	154		
37118	292	37305	225	37355	225	37430	128	37526	46	37921	160		
37119	288	37306	237	37356	217	37431	132	37527	52	37922	172		
37120	284	37307	249	37357	217	37432	127	37528	62	37923	158		
37121	275	37308	257	37358	212	37433	127	37529	68	37924	145		
37122	278	37309	261	37359	203	37434	124	37530	84	37925	147		
37123	267	37310	256	37360	196	37435	115	37531	83	37926	133		
37124	274	37311	264	37361	203	37436	99	37532	72	37927	166		
37125	277	37312	252	37362	206	37437	93	37533	52	37928	187		
37126	276	37313	251	37363	201	37438	92	37534	58	37929	172		
37127	266	37314	242	37364	189	37439	95	37535	72	37930	161		
37128	258	37315	241	37365	195	37440	101	37537	83	37931	155		
37129	255	37316	224	37366	194	37441	100	37538	99	37932	159		
37130	254	37317	215	37367	205	37442	113	37539	97	37933	168		
37131	250	37318	206	37368	199	37443	110	37540	102	37934	161		

NO CHANGE
DECISION NO.

82184

EFFECTIVE

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

SECTION 8 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-SS
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
30066	318	37132	69	37319	91	37369	174	37506	180				
30067	330	37133	166	37320	102	37370	161	37507	190				
30068	317	37134	149	37321	118	37371	150	37508	207				
30069	300	37135	144	37322	119	37372	143	37509	227				
30070	302	37136	136	37323	107	37373	130	37510	223				
30071	314	37137	146	37324	98	37374	145	37511	230				
30094	300	37138	142	37325	103	37375	154	37512	235				
30095	294	37139	110	37326	120	37401	209	37513	233				
30096	297	37140	100	37327	129	37402	217	37514	219				
30097	273	37141	96	37328	125	37403	232	37515	202				
30098	265	37142	83	37329	129	37404	224	37516	182				
30099	284	37143	71	37330	138	37405	159	37517	169				
30100	269	37201	34	37331	136	37406	171	37518	161				
30101	233	37202	24	37332	142	37407	185	37519	181				
30102	248	37203	22	37333	140	37408	195	37520	193				
30103	235	37204	35	37334	149	37409	203	37521	191				
30116	235	37205	51	37335	118	37410	210	37522	197				
30117	224	37206	62	37336	115	37411	220	37523	217				
30118	217	37207	70	37337	126	37412	214	37524	235				
37101	218	37208	84	37338	131	37413	226	37525	258				
37102	230	37209	99	37339	127	37414	239	37542	274				
37103	203	37210	112	37340	115	37415	230	37543	267				
37104	209	37211	125	37341	102	37416	232						
37105	212	37212	134	37342	127	37417	230						
37106	197	37213	143	37343	120	37418	240						
37107	179	37214	81	37344	137	37419	234						
37108	198	37215	101	37345	154	37420	234						
37109	187	37216	113	37346	163	37421	244						
37110	174	37217	123	37347	173	37422	221						
37111	165	37218	138	37348	185	37423	228						
37112	174	37219	150	37349	175	37424	229						
37113	174	37220	148	37350	170	37425	237						
37114	161	37301	48	37351	164	37426	251						
37115	144	37302	76	37352	147	37427	263						
37116	135	37303	63	37353	159	37428	269						
37117	123	37304	62	37354	149	37429	260						
37118	111	37305	74	37355	159	37430	273						
37119	93	37306	74	37356	165	37431	253						
37120	79	37307	76	37357	173	37435	246						
37121	69	37308	127	37358	172	37436	240						
37122	73	37309	112	37359	176	37437	235						
37123	61	37310	119	37360	187	37438	244						
37124	69	37311	105	37361	187	37439	249						
37125	82	37312	92	37362	189	37440	250						
37126	93	37313	80	37363	187	37442	253						
37127	85	37314	92	37364	194	37501	135						
37128	76	37315	90	37365	192	37502	142						
37129	49	37316	84	37366	201	37503	154						
37130	49	37317	70	37367	195	37504	162						
37131	62	37318	78	37368	184	37505	170						

DECISION NO. 82184

EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
CORRECTION: SHOULD BE STATE SENT TO ZONING DIVISION SAN FRANCISCO, CALIFORNIA

SECTION 8 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-T
 TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
37140	208	37357	143	37432	65	37528	53	37923	109				
37213	149	37358	138	37433	65	37529	43	37924	95				
37215	162	37359	129	37434	52	37530	36	37925	97				
37216	142	37360	122	37435	52	37531	52	37926	108				
37217	138	37361	129	37436	35	37532	62	37927	118				
37218	140	37362	138	37437	19	37533	78	37928	139				
37219	140	37363	148	37438	29	37534	73	37929	122				
37220	132	37364	115	37439	34	37535	57	37930	112				
37308	183	37365	121	37440	38	37537	53	37931	105				
37309	194	37366	120	37441	39	37538	44	37932	109				
37310	185	37367	131	37442	51	37539	39	37933	118				
37311	202	37368	140	37443	49	37540	50	37934	111				
37319	159	37369	150	37444	64	37541	56	37935	113				
37320	162	37370	140	37445	81	37542	81	37940	132				
37321	163	37371	129	37446	99	37543	87						
37322	177	37372	120	37447	68	37601	79						
37323	182	37373	124	37448	57	37602	85						
37324	198	37374	111	37449	56	37603	98						
37325	197	37375	115	37450	44	37604	95						
37326	192	37401	105	37451	39	37605	99						
37327	192	37402	93	37452	52	37606	109						
37328	181	37403	92	37453	60	37607	121						
37329	177	37404	84	37454	69	37608	128						
37330	172	37405	96	37501	124	37609	135						
37331	172	37406	83	37502	111	37610	104						
37332	165	37407	72	37503	121	37611	112						
37333	176	37408	63	37504	118	37601	81						
37334	167	37409	53	37505	125	37602	92						
37335	189	37410	42	37506	136	37601	66						
37336	179	37411	51	37507	149	37602	62						
37337	170	37412	56	37508	163	37903	59						
37338	157	37413	69	37509	156	37904	68						
37339	151	37414	50	37510	163	37905	69						
37340	155	37415	77	37511	158	37906	77						
37341	150	37416	74	37512	146	37907	82						
37342	146	37417	78	37513	133	37908	83						
37343	133	37418	84	37514	118	37909	92						
37344	164	37419	89	37515	102	37910	86						
37345	161	37420	89	37516	106	37911	80						
37346	150	37421	55	37517	96	37912	70						
37347	140	37422	32	37518	97	37913	69						
37348	136	37423	24	37519	85	37914	81						
37349	138	37424	35	37520	69	37915	91						
37350	144	37425	48	37521	78	37916	98						
37351	154	37426	61	37522	91	37917	105						
37352	170	37427	82	37523	116	37918	90						
37353	164	37428	92	37524	114	37919	117						
37354	153	37429	77	37525	101	37920	104						
37355	151	37430	67	37526	68	37921	110						
37356	143	37431	69	37527	60	37922	122						

NO CHANGE
 DECISION NO.

82184

EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 CORRECTION NO. SAN FRANCISCO, CALIFORNIA.