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Decision No. 83941

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
ASBURY SYSTEM for an Order Authoriz- }
ing Applicant to deviate from }
certain minimum rates on shipments }
transported for California Portland }
Cement Company, pursuant to }
Section 3666 of the Public Utilities }
Code. }

Application No. 55384
(Filed December 16, 1974;
amended December 23, 1974)

O P I N I O N

Applicant performs services for California Portland Cement Company in the transportation of petroleum coke from the Standard Oil Company Refinery at El Segundo, California, to the facilities of California Portland Cement Company at Colton, California. Such service is being performed under its highway contract carrier permit.

Pursuant to Section 3666 of the Public Utilities Code, applicant requests authority to deviate from the provisions of Minimum Rate Tariff 15 (MRT 15) by applying hourly minimum rates set forth in Section 4-A of Minimum Rate Tariff 15 for the above described transportation. Applicant also seeks authority to utilize Rate Basis 1 as defined in Item 450 not only for the first 8 hours per day, but up to 16 hours out of 18 consecutive hours per day.

As justification for the proposed deviation, applicant alleges that the restriction confining the use of hourly rates to transportation services performed wholly within Rate Basis E - the Metropolitan Los Angeles Area - was premised on the assumption that hourly rates would not be advantageous or useful for longer distances. Applicant alleges that use of the hourly vehicle unit rates if applicable as proposed will be more advantageous than

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weekly or monthly rates even for the distance from El Segundo to Colton.

Applicant further alleges that it will utilize a second driver for hours in excess of 8 hours in any one day, operating on a two-shift basis and thus avoid overtime for the driver, which normally justifies the application of the rates provided for in Rate Basis 2 of Item 450, MRT 15.

Applicant also alleges that the volume of traffic moved is in excess of 10,000 tons per month.

A copy of the application and first amendment thereto were mailed to the California Trucking Association and were listed on the Commission's Daily Calendars of December 16 and 26, 1974, respectively. No protests or requests for public hearing have been received.

The Commission finds that applicant's proposal is reasonable and concludes that the application should be granted as set forth in the ensuing order. Since the conditions under which the service is performed may change at any time, the authority granted in the ensuing order will be made to expire at the end of one year unless sooner cancelled, changed, or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Asbury System may utilize the hourly rates set forth in Section 4-A of Minimum Rate Tariff 15 for the transportation of petroleum coke for California Portland Cement Company from Standard Oil Company Refinery at El Segundo to California Portland Cement Company at Colton.

2. For the transportation described in Ordering Paragraph 1, Asbury System may utilize Rate Basis 1 rates as described in Item 450, Minimum Rate Tariff 15, for up to 16 hours out of 18 hours per day Monday thru Friday excluding holidays set forth in Rate Basis 3, Item 450, Minimum Rate Tariff 15, provided a second driver is utilized for hours in excess of 8 hours in any one day.

3. In all other respects the provisions of Minimum Rate Tariff 15 shall apply.

4. The authority granted herein shall expire one year after the effective date of this order unless sooner modified.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th
day of DECEMBER, 1974.

Vernon L. Stevenson
President
William J. Symons
Thomas Moran
Robert E. McDaniel
Commissioners