

cah

ORIGINAL

Decision No. 84507

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
LINDEMAN BROS., INC., for authority,
pursuant to the provisions of
Section 3666 of the Public Utilities
Code, to depart from the minimum
rates, rules and regulations of
Minimum Rate Tariff No. 7-A.

Application No. 55639
(Filed April 17, 1975)

INTERIM OPINION

Lindeman Bros., Inc., a corporation, holds a dump truck carrier permit which authorizes the transportation of mining, building, paving, and construction materials, in bulk, in dump truck equipment between all points in the State of California.

By this application authority is requested to assess tonnage rates, less than otherwise applicable, for the transportation of concrete pavement aggregate, aggregate base, and cement treated base from the plant of A. Telchert & Son, Inc. located at Perkins to a construction jobsite near Hood, involving an extension of Interstate Highway 5 in Sacramento County.

The rates proposed by applicant are based on the hourly rates established by Decision No. 84299, effective May 6, 1975.^{1/} The hourly rate is converted to a tonnage rate by the application of the average weight and total load, weight, and running time of 73 trips between the points in question. Exhibit C to the application indicates the average load was 25 tons, the average distance was 17.6 miles, and the total average time was 64.5 minutes. These data

^{1/} Column "M" rate named in Item 390 (\$24.35).

A. 55639 eak

were used to develop the proposed rate applicable to Stations 440 to 684 jobsites, located between the Hood Franklin Road overcrossing and the northerly boundary of township 6, north. The proposed rate applicable to southerly jobsites, an added 5.3 minutes, was added to accommodate 2 additional miles. The direct conversion produced a rate of \$1.05 per ton applicable to Stations 440 to 684 for which a rate of \$1.08 per ton is proposed. The converted hourly rate for the southerly jobsites is \$1.13 for which \$1.16 per ton is proposed.

Applicant proposes the following conditions to the authority sought:

- (a) The transportation shall not be less than revenues that would have been earned under the applicable hourly rates in Minimum Rate Tariff 7-A for the same transportation.
- (b) Other than the authority sought, all other provisions of Minimum Rate Tariff 7-A shall apply to the service.
- (c) The authority shall expire on October 15, 1975.

The California Dump Truck Owners Association and the Associated Independent Owner-Operators, Inc. have requested that this matter be set for public hearing. The California Trucking Association has indicated an interest in the matter, but did not request public hearing.

Applicant requests interim authority pending hearing as the transportation services are scheduled to commence early in May. The condition that the revenues earned under the proposed rates shall not be less than revenues that would have been earned under the hourly rates compels us to conclude that interim authority should be authorized, and that a public hearing be scheduled for final determination.

INTERIM ORDER

IT IS ORDERED that:

1. Lirdeman Bros., Inc. is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 7-A by charging those rates set forth in Appendix A of this decision. This authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

2. The authority granted shall expire six months after the effective date of this order unless sooner canceled, modified, or extended by order of the Commission.

3. A public hearing shall be scheduled on this application at a date to be set.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd
day of JUNE, 1975.

Vernon L. Sturgeon
President
William J. Sturgeon
Edward J. Sturgeon
Robert Sturgeon
Commissioners

A. 55639 eak

APPENDIX A

Shipper: A. Teichert & Son, Inc.

Commodities: Concrete pavement aggregate; Class 2, aggregate base; cement treated base.

Minimum Weight: 25 tons per unit of carrier's equipment.

From: A. Teichert & Son, Inc.'s production plant at Perkins, California.

To: Interstate Highway 5 jobsite of A. Teichert & Son, Inc. in Sacramento County which extends from Lambert Road to Beach Lake Bridge, about 1.5 miles south of Sacramento.

Unit of Equipment: Truck-tractor and two bottom-dump trailers.

Rate: (a) From Perkins plant to Stations
440 to 684 at jobsite \$1.08 per ton
(b) From Perkins plant to Station 240 to,
but not including, Station 440 at
jobsite \$1.16 per ton

Conditions: (a) Carrier's charges for the transportation shall not be less than revenues that would have been earned under the applicable hourly rates in Minimum Rate Tariff 7-A for the same transportation.

Carrier shall retain and preserve copies of its freight bills, subject to the Commission's inspection, for a period of not less than three years from the dates of issuance thereof; and each such copy of its freight bills shall have attached a statement of the charges which would have been assessed if the minimum rates had been applied and full information necessary for accurate determination of the charges under the minimum rates.

(b) Other than the authority described above, all other provisions of Minimum Rate Tariff 7-A shall apply to the service.