

ORIGINALDecision No. 84531

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J. S. SHAFER, JR.,
for authority, pursuant to provisions
of Section 3666 of the Public
Utilities Code, to depart from the
minimum rates, rules and regulations
of Minimum Rate Tariff No. 17-A.

Application No. 55672
(Filed May 6, 1975; amended
May 29, 1975)

INTERIM OPINION

Applicant J. S. Shafer, Jr., operates a highway carrier service pursuant to radial highway common carrier and dump truck carrier permits. By this application authority is requested to deviate from the minimum rates named in Minimum Rate Tariff 17-A (MRT 17-A) for the transportation of rock, sand, and gravel between the production plant of Owl Rock Company, Azusa, and the asphalt plant of Griffith Co., Wilmington.^{1/}

An effective minimum rate of \$2.06^{2/} per ton is presently named in MRT 17-A for the transportation of rock, sand, and gravel, as described in Item 60 of the tariff, from Production Area 19-G to Delivery Zone 19245. Under the sought relief, applicant requests authority to charge a rate of \$1.89 per ton for such transportation. Other than the sought deviation, all applicable minimum charges, rules, and regulations will be applied.

1/ Owl Rock Company is located in Production Area 19-G and Griffith Co. in Delivery Zone 19245.

2/ Section 4, MRT 17-A, names a rate of \$2.09 per ton for the transportation involved. Item 3020 authorizes a reduction of 3 cents per ton from the otherwise applicable minimum rate to delivery points listed in Section 3 of the tariff. Griffith Co. is one of the delivery points named.

According to the amended application, Griffith Co.'s Wilmington asphalt plant has obtained its raw material from Owl Rock Company's Irwindale rock production plant for many years. Because of the past physical characteristics of the storage facilities at the asphalt plant, the only type of dump truck equipment that could be utilized has been end dump truck equipment. As a result the transportation between the Owl Rock Company production plant and Griffith Co.'s asphalt plant in Wilmington has been performed by Owl Rock Company's proprietary truck and trailer equipment. Griffith Co. is now installing new unloading and storage facilities which will allow the use of double bottom dump truck trailers. The material carried in these trailers will be unloaded into drive-over bunkers which are connected to an automatic belt that transports the material to the storage bunkers. These storage bunkers contain 6,000 tons of live storage. This volume allows the asphalt plant to operate some two complete days without receiving additional rock material. Utilizing a set of double bottoms, a load of approximately 25 tons may be off loaded and placed into a storage bunker in approximately four minutes. Trailers can unload at the Wilmington asphalt plant 24 hours a day.

At the production plant, which is also a completely new facility, bottom dump trailers will be loaded by gravity flow from power belt equipment. The production plant is designed so that all required materials can be weighed as they are being loaded by belt conveyor equipment into trailer equipment. The production plant is open 24 hours a day for loading, Monday through Saturday, excluding holidays.

Applicant proposes to use four pieces of equipment to handle the above-described transportation. Applicant will use his own tractor and four sets of his own bottom dump trailers. The remaining three tractors will be furnished by subhaulers which applicant uses for his normal daytime operations. Applicant estimates that use of this equipment after normal working hours, e.g., 5:00 p.m. to 3:00 a.m.,

to handle the above-described transportation will increase the use of this equipment on an annual basis from 1,688 hours to 3,397 hours.

By letter dated May 16, 1975, the Associated Independent Owner-Operators, Inc. (AIOO) requested that the application be set for hearing. On May 29, 1975 the application was amended, wherein applicant agreed to certain clarifications and corrections in order to remove the objections of AIOO. Among other changes to the original request was the condition that the subhaulers would be charged 25 percent of the applicable rate for trailer rental.

Applicant requests that if public hearing is required, interim relief be granted as the facilities were scheduled to be placed in operation on or about May 28, 1975.

After consideration the Commission finds that the circumstances justify granting interim relief. A public hearing will be scheduled for final determination.

INTERIM ORDER

IT IS ORDERED that:

1. J. S. Shafer, Jr., is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 17-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 10th
day of JUNE, 1975.

Vernon L. Sturgeon
President
William J. Quinn
[Signature]
[Signature]
[Signature]
Commissioners

APPENDIX A

Shipper: Griffith Co., Wilmington, California.

Commodities: Rock, sand, and gravel as described in Item 60,
Minimum Rate Tariff 17-A.

From: Owl Rock Company, Azusa. Production Area 19-G.

To: Griffith Co., Wilmington Delivery Zone 19245.

Rate: \$1.89 per ton.

Conditions: (a) Charges to underlying carriers for trailer rental shall be 25 percent of the rate authorized herein in connection with transportation services performed by such underlying carriers under the authority described above.

(b) Other than the authority described above, all other provisions of Minimum Rate Tariff 17-A shall apply.