

Decision No. 86358**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HARRISON-NICHOLS CO.)
 LTD., CALIFORNIA SAND TRANSPORT,)
 SILICA SAND TRANSPORT, DONALD TALLEY,)
 A. H. DISSINGER, DENNIS TRANSPORT,)
 DANIEL C. REYNOLDS, CLIFFORD E.)
 WALTERS, F. L. HART, SR., F. L.)
 HART, JR., AND G. W. HART, ALLAN)
 BRANCH, ROBERT R. WORLEY, JOHN)
 ATKINS, for authority to depart from)
 the minimum rates, rules, and)
 regulations of Minimum Rate)
 Tariff No. 7-A, pursuant to the)
 provisions of Section 3666 of the)
 Public Utilities Code, for OWENS-)
 ILLINOIS, INC.)

Application No. 56093
 (Filed November 25, 1975;
 amended January 13, 1976)

ORDER EXTENDING INTERIM AUTHORITY

Applicant Harrison-Nichols Company, Ltd., a California corporation, and other carriers listed above (Harrison-Nichols et al.) requested extension of the interim authority granted by Decision No. 85538 dated March 9, 1976 in Application No. 56093. The interim authority, to expire September 9, 1976, granted deviation from the minimum rates named in Minimum Rate Tariff 7-A for the transportation of processed silica sand from the Mission Viejo production plant of Owens-Illinois Glass Company in the city of San Juan Capistrano to the Owens-Illinois Glass Company factory in Vernon.

Revenue and expense data submitted by applicants prior to issuance of the interim authority indicated that the transportation involved reasonably could be expected to be profitable under the rates granted by the interim order. The application is opposed by the California Trucking Association and public hearing was to have been held. No hearing has as yet been held. Applicants assert

credibly that an extension of time will enable them to obtain more reliable data and information upon which to determine their application. We agree, but also note that applicant already has considerable information and data derived out of the operations between March 1972 and February 1973 when 3,200 loads were transported, albeit without the new Vernon unloading facility which is now operational. Accordingly, we will authorize an extension of six months during which a public hearing will be held. Because reduced rates benefit the public and an interruption in the authority would not be beneficial, the extension should be made effective at once.

Finding

In the circumstances the Commission finds that special factors exist which continue to warrant the granting of interim relief as requested, and that the rates of \$2.58 per ton based on an 8-hour operation, and \$2.41 per ton based on a 24-hour day operation, continue to be reasonable for Harrison-Nichols and the named subhauler contractors who joined in this application pending a final decision to be based upon evidence to be adduced at a public hearing.

Conclusion

The interim relief granted by Decision No. 85538 should be continued as set forth in that decision to expire March 9, 1977.

IT IS ORDERED that the expiration date of the interim authority granted to Harrison-Nichols et al. by Decision No. 85538 is extended to March 9, 1977.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 1st
day of SEPTEMBER, 1976.

*I concur in part and
dissent in part.
William Lyons, Jr.*

[Signature]
President

[Signature]

[Signature]
Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.