

Decision No. 86387

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
 tion for the purpose of consid- )  
 ering and determining minimum )  
 rates for transportation of )  
 rock, sand, gravel and related )  
 items in bulk, in dump truck )  
 equipment in Southern California )  
 as provided in Minimum Rate )  
 Tariff 17-A and Southern )  
 California Production Area and )  
 Delivery Zone Directory 1, and )  
 the revisions or reissues there- )  
 of. )

Case No. 9819  
 Petition for Modification  
 No. 14  
 (Filed April 22, 1976)

OPINION AND ORDER

Minimum Rate Tariff 17-A (MRT 17-A) provides rates for the transportation of rock, sand and gravel by dump truck carriers. The rates are mainly zone rates from defined production areas to designated delivery zones. Area-to-point rates, applicable from defined production areas to specified delivery points, are also named. The area-to-point rates are 3 cents per ton less than the otherwise applicable zone rates.

Petitioner, Bonanza Concrete Co., operates a plant located at 15115 Oxnard Street, Van Nuys, for the production of asphaltic concrete. The movement of rock products to petitioner's plant is currently subject to the zone rates named in MRT 17-A. By this petition, Bonanza Concrete Co. requests that its plant be designated as a delivery point for shipments of rock products subject to the lower MRT 17-A area-to-point rates.

Petitioner states that the transportation circumstances in which shipments of rock products are delivered to its plant meet the following criteria established by the Commission as the basis for application of the area-to-point rates:

1. The consignee's facilities permit receipt of shipments transported by dump truck-and-trailer units; adequate space for transfer of trailer bodies to dump trucks is available within 150 feet of dumping point of shipment;
2. Consignee has received, or expects to receive, at least 1,000 tons of rock products per year;
3. Consignee maintains personnel on duty, while transportation is being furnished, for purpose of signing delivery tickets and other operations necessary to the receipt of the shipments;
4. Consignee's facilities include space for bunker reception or stockpiling of rock and/or sand in quantities of at least 50 tons at one time; and
5. Average loading and unloading time for dump truck-and-trailer combination does not exceed, in total, 30 minutes per 24 tons.

These criteria were first established by Decision 57675, dated December 2, 1958, in Case 5437, and have been observed in subsequent designations of delivery points eligible for the area-to-point rates. Petitioner contends that, since the transportation of rock products to its plant is performed under substantially the same favorable conditions as transportation now subject to the sought area-to-point rates, the movement of rock products to its plant should also be made subject to the lower area-to-point rates. Petitioner further contends that, unless the sought rates are authorized, unreasonable rate discrimination will continue to exist for the benefit of asphaltic plants listed in Section 2 of MRT 17-A to the detriment of petitioner's plant.<sup>1</sup>

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<sup>1</sup>The circumstances under which the transportation of rock products to petitioner's plant is performed are set forth in an affidavit attached to and made a part of, the petition.

The Declaration of Mailing for Petition 14 indicates that copies of the petition were served upon all parties known to have an interest therein. The petition was also listed on the Commission's Daily Calendar of April 26, 1976. No objection to the proposed amendment of MRT 17-A has been received.

Upon consideration of petitioner's representations, the Commission finds that the circumstances in which rock, sand and gravel are delivered to petitioner's plant site involved herein substantially conform to the transportation conditions which constitute the criteria underlying the area-to-point rates named in MRT 17-A. In addition, the sought extension of the area-to-point system of rates in MRT 17-A to petitioner's plant site has been shown to be just and reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (Appendix C to Decision 80578, as amended) is hereby further amended by incorporating therein, to become effective October 16, 1976, Fourth Revised Page 3-1 and Fourth Revised Page 3-2 attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision 80578, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

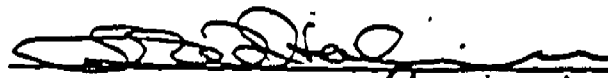
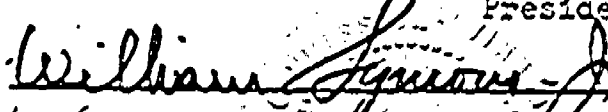



3. Tariff publications authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten day's notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

4. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects Decision 80578, as amended, 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 14<sup>th</sup> day of September, 1976.

  
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President  
  
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Commissioners

SECTION 3--AREA-TO-POINT RATES		ITEM
APPLICATION OF AREA-TO-POINT RATES  Area-to-Point Rates are the rates set forth in Item 3020 and apply to the Delivery Points listed in this section from Production Areas located in Los Angeles County (except Antelope Valley/Mojave Desert portion thereof), Orange County, Riverside County, San Bernardino County (except Antelope Valley/Mojave Desert portion thereof) and Ventura County for the commodities described in Item 60 only.  Unless otherwise specifically provided within this section, there is no applicable Area-to-Point Rate to a Delivery Point if no zone rate is provided within this tariff.		3000
AREA-TO-POINT RATES  The Area-to-Point Rates described in Item 3000 shall be 3 cents per ton less than the otherwise applicable zone rates to the appropriate Delivery Zone.		3020
LIST OF DELIVERY POINTS		
Delivery Point	Delivery Zone	
A & A Ready Mixed Concrete 134 West Redondo Beach Blvd., Gardena (P.O.)-----	19925	
All American Asphalt 14490 Edwards Street, Westminster-----	30041	
American Pipe & Construction Co. 4650 East Mason, South Gate-----	19207	
Arrow Building Material 19650 East Arrow Highway, Covina (P.O.)-----	19334	
Artesia Ready-Mix Concrete 13134 East South Street, Cerritos-----	19453	
Asphalt Service (A & L Asphalt Company, dba) Lawrence Canyon 1/4 mile East of Hill Street, Oceanside-----	38	
Azusa-Western, Inc. 942 Azusa Avenue, City of Industry-----	19408	
2901 San Joaquin Road, Costa Mesa-----	30081	
9961 Valencia, El Toro-----	30070	
4221 East Bandini Boulevard, Los Angeles-----	19419	
22432 South Vermont Avenue, Los Angeles (Torrance P.O.)-----	19238	
1501 W. Taft Avenue, Orange-----	30024	
1310 East Grand Avenue, Pomona-----	19355	
114 Rincon Court, San Clemente-----	30117	
4401 West MacArthur Boulevard, Santa Ana-----	30063	
12222 East Florence Boulevard, Santa Fe Springs-----	19438	
14528 Edwards Street, Westminster-----	30041	
13522 Hoover Street, Westminster-----	30042	
Berlin Brothers Ready Mix Concrete 2457 North Ventura Avenue, Ventura-----	56048	
Blacktop Materials Co. 9120 Norris Avenue, Sun Valley-----	19040	
No Change on this page, Decision No. 86387		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

SECTION 3--AREA-TO-POINT RATES (CONTINUED)

LIST OF DELIVERY POINTS (Continued)

Delivery Point	Delivery Zone
*Donanza Concrete Co. 15115 Oxnard Street, Van Nuys-----	19072
Carlson Building Materials Co. 1432 Thousand Oaks Boulevard, Thousand Oaks-----	56113
Chamber-Mix Concrete, Inc. 10732 South Rose Street, Stanton----- 11236 Western Avenue, Stanton-----	30034 30034
Chandler's Palos Verdes Sand & Gravel Co. 385 Walnut Street, Gardena (P.O.)----- 26311 Narbonne Avenue, Rolling Hills Estates----- 25701 South Crenshaw Boulevard, Torrance-----	19225 19248 19249
Claremont Transit Mixed Concrete Co. 925 East Maryland Avenue, Claremont-----	19329
Conrock Co. Porphry & Quarry Streets, Corona----- 3200 San Fernando Road, Los Angeles----- Lawrence Canyon, 1/4 mile east of Hill Street, Oceanside----- Spruce Street, Riverside----- 32302 Pasco Adelanto, San Juan Capistrano----- 4115 West MacArthur, Santa Ana----- 25183 Cottonwood Avenue, Sunny Mead-----	33047 19125 38 33005 30101 30063 33038
Consolidated Rock Products Co. 136 North Brea Boulevard, Brea----- 7001 Deering Avenue, Canoga Park----- Ellwood Station Road at Southern Pacific Company right-of-way, Ellwood-- 339 South Aviation Boulevard, El Segundo----- 2009 East Pacific Coast Highway, Long Beach----- 750 East Los Angeles Avenue, Moorpark----- 11511 South Prospect Avenue, Orange (P.O.)----- 552 South Raymond Avenue, Pasadena----- 3 South Salsipuedas Street, Santa Barbara----- 13949 East Stage Road, Santa Fe Springs----- 6029 Vineyard Avenue, Saticoy----- 7621 Katella Avenue, Stanton----- 11401 Tuxford Street, Sun Valley----- 2730 South Alameda Street, Vernon----- 11122 West Pico Boulevard, West Los Angeles----- 1020 Blinn Street, Wilmington-----	30003 19051 42032 19215 19464 56076 30028 19315 42015 19440 56059 30034 19040 19177 19184 19245
Copp Paving Co., Inc. 11927 South Greenstone Avenue, Santa Fe Springs-----	19438
Dewey & Bobs Ready-Mixed Concrete 1650 East Spring Street, Signal Hill-----	19465

\* Addition, Decision No.

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EFFECTIVE

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 SAN FRANCISCO, CALIFORNIA.

Correction