

ORIGINAL

Decision 84 07 028

JUL 5 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Dalton Trucking, Inc.,)
a California corporation, for)
authority to deviate from the)
otherwise applicable minimum rates)
in the transportation of cinders.)

Application 84-04-073
(Filed April 16, 1984)

O P I N I O N

Dalton Trucking, Inc. (applicant), a California corporation, is authorized to operate as a dump truck carrier, heavy specialized carrier, and a highway contract carrier. Applicant's principal place of business is located in Fontana, California.

By this application, authority is requested to deviate from the rate in Minimum Rate Tariff 7-A (MRT 7-A) for the transportation of cinders between Clearlake, California, and Montclair, California, for Twin Mountain Rock Company. The service will be performed with a tractor attached to bottom dump doubles in train, and/or transfer type units.

The rate to be charged under MRT 7-A is based on 529 miles, the distance from Clearlake to Montclair. Item 330 and Supplement 21 of MRT 7-A show a rate for the transportation of cinders over 529 miles to be \$37.70 plus 22.5% surcharge, or \$46.18 per ton.

Applicant proposes to charge \$25 per ton, subject to a minimum of 24 tons per unit of carrier's equipment. Split pickup, split delivery, or other accessorial services will not be performed by the carrier.

Applicant alleges that cinders will be carried at the requested rate only after applicant has transported bulk coal (an exempt commodity) from Fontana to points in Northern California, for Block Products Co. It is alleged that the coal is loaded by front end loader, or by the vehicle driving under a hopper, at no expense to applicant. Cinders are loaded in the same manner, again without cost to applicant. Unloading is accomplished by driving over a hopper, direct deposit on the ground, or on a drive-on stock pile. Loading and unloading facilities are available at least six days a week. A maximum period of 25 minutes for loading and 15 minutes for unloading shall be allowed. When the combination of loading and unloading requires more than 40 minutes, applicant will be paid \$17.50 per hour or any portion thereof. Applicant will not be using subhaulers on this transportation.

Applicant's Appendix B attached to the application sets forth driver wage cost, running cost per mile, and vehicle fixed costs of the transportation. It was determined that the transportation will be performed at an operating ratio of 74.03%.

Applicant's balance sheet dated December 31, 1983 shows assets greater than \$1,600,000, and current liabilities of \$693,000. Net income for the year is listed as \$137,607.

Attached to the application is a letter of support from Twin Mountain Rock Company dated April 4, 1984.

Copies of the application were mailed to the California Carriers Association, California Dump Truck Owners Association, Associated Independent Owner Operators, and the California Trucking Association in Burlingame. The application was listed on the Commission's Daily Transportation Calendar of April 20, 1984. No objection to the granting of the application has been received.

The proposal is not a major action significantly affecting energy efficiency within the meaning of Public Utilities §§ 3502.1 and 3502.2.

Since there is an immediate need for the rate relief, the following order should be made effective on the date it is signed.

Findings of Fact

1. Applicant operates as a dump truck carrier, a heavy specialized carrier, and a highway contract carrier.
2. Applicant requests authority to deviate from the minimum rate provided in MRT 7-A for the transportation of cinders between Clearlake and Montclair, for Twin Mountain Rock Company of Huntington Beach, California.
3. Current MRT 7-A rate for this transportation is \$46.18 per ton, with surcharge included.
4. Applicant proposes to assess a rate of \$25.00 per ton with a minimum of 24 tons per unit of carrier's equipment.
5. Loading and unloading shall be by front end loader or gravity, at no cost to applicant.
6. If the combined time for loading and unloading totals more than 40 minutes, applicant will be paid \$17.50 per hour or any portion thereof.
7. Loading and unloading facilities will be available at least 6 days a week.
8. Twin Mountain Rock Company supports the application.
9. The transportation will be accomplished at an operating ratio of 74.03%.
10. Applicant's transportation involves unique circumstances.
11. Applicant's costs for this transportation are less than those used to set the rates in MRT 7-A.
12. The proposed rate is reasonable.

13. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

14. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.
2. This order should be made effective on the date signed because there is an immediate need for rate relief.

O R D E R

IT IS ORDERED that:

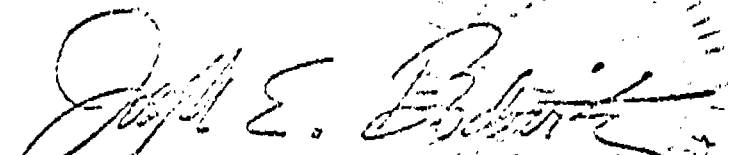
1. Dalton Trucking, Inc., a California corporation, may depart from the rates in Minimum Rate Tariff 7-A by charging not less than the rate in Appendix A.
2. This authority shall expire one year after the effective date of this order.

This order is effective today.

Dated JUL 5 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

APPENDIX A

T-98782

Carrier: Dalton Trucking, Inc.

Commodity: Cinders.

Rate: \$25 per ton.

Minimum Weight: 24 tons per unit of carrier's equipment.

From: Clearlake.

To: Montclair.

Conditions:

1. The rate for the transportation of cinders will apply only when applicant has transported a truckload shipment of coal from Fontana to points in Northern California for the account of Block Products Company, in the same unit of equipment as part of the complete round-trip cycle.
2. Applicant has indicated that subhaulers will not be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rates in Minimum Rate Tariff 7-A.
3. In all other respects, the rates and rules in Minimum Rate Tariff 7-A shall apply.

(END OF APPENDIX A)