

Decision 84 07 029

JUL 5 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of Henry T. Tuey, Inc., a California corporation, for authority to depart from the rates, rules and regulations of Minimum Rate Tariff 7-A in the transportation of rock, sand and gravel in bulk in dump truck equipment for Industrial Asphalt under provisions of Section 3666 of the Public Utilities Code.

Application 84-03-59
(Filed March 19, 1984)

O P I N I O N

Henry T. Tuey, Inc. (applicant), a California corporation, holds a dump truck carrier permit authorizing operations throughout the State of California (File T-133,528).

Authorization is requested to deviate from minimum rates for the transportation of rock, sand, and gravel in bulk in bottom dump equipment from the San Emidio Rock Plant located approximately 10 miles east of Maricopa on Highway 166 to the facilities of Bakersfield Ready Mix located on Panama Lane between old River Road and Gosford Road near Bakersfield.

Minimum rates for such transportation are provided in Item 290 of Minimum Rate Tariff (MRT) 7-A. Subject to a minimum weight of 24 tons, the rate applicable for the involved transportation is 224 cents per ton plus a surcharge of 22½%. This rate is calculated for a distance of between 20 and 21 actual miles and is applicable to bottom dump equipment used on days other than Saturdays, Sundays, or holidays.

Applicant proposes to assess a rate of 218 cents per ton for the transportation, subject to a minimum weight of 25 tons per load. No surcharge will be applied to this rate. In all other respects, the rates and rules set forth in MRT 7-A will still be applied.

Applicant cites the following reasons to justify performing the transportation at the reduced rate:

1. Up to 10 units of equipment will be working 8- to 10-hour days when service is scheduled.
2. Equipment will be stored in applicant's yard, which is located about 2½ miles from the consignee and on the route to be traveled between origin and destination. There will be no empty mileage involved in dispatching the trucks to perform the service.
3. The loading will be performed by consignor's power equipment. Unloading is by gravity. Experience reveals that loading requires less than 10 minutes and unloading less than 5 minutes.
4. Applicant's personnel are experienced in providing this type of service.
5. If subhaulers are used they will be paid 100% of the rates requested here.
6. Industrial Asphalt of Van Nuys, California, has a letter of support attached to the application dated February 15, 1984.

Appendices attached to the application include a financial statement and a balance sheet. Itemized costs of operation are included and applicant estimates that the operating ratio on the proposed transportation will be 82.86%.

Copies of the application were mailed to the California Trucking Association in Burlingame, and to the California Dump Truck Owner's Association in Monterey Park. The application was also listed on the Commission's Daily Transportation Calendar of March 22, 1984. There has been no objection to the granting of the application.

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 is authorized to operate as a dump truck carrier.
2. Applicant is requesting authority to deviate from the minimum rate provided in MRT 7-A for the transportation of rock, sand, and gravel in bulk in bottom dump equipment from the San Emidio Rock Plant located 10 miles east of Maricopa on Highway 166 to Bakersfield Ready Mix near Bakersfield.
3. Current MRT 7-A rate for this transportation is 224 cents per ton, plus a surcharge of 22½% on a minimum weight of 24 tons.
4. Applicant proposes to assess a rate of 218 cents per ton, with a minimum weight of 25 tons per load. There will be no surcharge.
5. Up to 10 units of equipment will be working 8- to 10-hour days on the transportation.
6. The equipment will be stored close to the consignee and on the route to be traveled when deliveries are made.
7. Loading will be by consignee's power equipment and unloading by gravity.
8. Industrial Asphalt of Van Nuys supports the application.
9. The transportation will be performed at an estimated operating ratio of 82.86%.
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 reasonable 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:

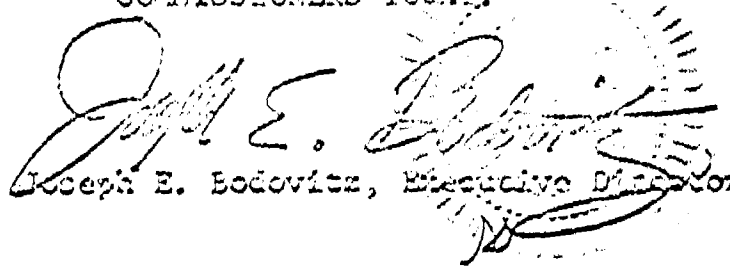
1. Henry T. Tvey, Inc., a California corporation, may depart from the rates in Minimum Rate Tariff 7-A by charging not less than the rates in Appendix A, attached.
2. This authority shall expire one year after the effective date of this order.

This order is effective today.

Dated JUL 5 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
DONALD WIAL
WILLIAM E. BACLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

APPENDIX A

Carrier: Henry T. Tuey, Inc.

Commodity: Rock, sand, and gravel in bulk.

Rate: 218 cents per ton.

Minimum Weight: 25 tons per load.

From: San Emidio Rock Plant, located 10 miles east of Maricopa on Highway 166.

To: Bakersfield Ready Mix, located on Panama Lane between old River Road and Gosford Road near Bakersfield.

Conditions:

1. If subhaulers are employed, they shall be paid not less than the rate authorized without any deduction for use of carrier's trailing equipment.
2. In all other respects, the rates and rules in Minimum Rate Tariff 7-A shall apply.

(END OF APPENDIX A)