

ALJ/rr/md

Decision 84 10 071

OCT 17 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
 for the purpose of considering 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 thereof.)

Case 9819
 Petition for Modification 71
 (Filed July 12, 1984)

O P I N I O N

By Decision (D.) 84-05-095 dated May 16, 1984 in Case (C.) 9819, OSH 59, and C.5437, OSH 319, zone rates were established in Minimum Rate Tariff (MRT) 17-A for the transportation of asphaltic concrete in 5-axle dump truck equipment. Rates adopted were based upon costs used in developing the hourly rates named in Item 390 of MRT 7-A for commodities transported in the Southern Region of the Southern Territory in 5-axle dump truck equipment.

By D.87-07-015 dated July 5, 1984, rates in Item 390 applicable in the Southern Region of the Southern Territory were increased by approximately 8 percent.

By this petition California Dump Truck Owners Association (CDTOA) requests that rates for asphaltic concrete established by D.84-05-095 be increased by the same amount the 5-axle Southern Region hourly rates were increased in Item 390. CDTOA has submitted an exhibit with its petition which demonstrates the disparity between the above asphaltic concrete zone rates and the updated hourly rates. The rates that CDTOA wishes to increase are set forth in Sections 15.1 through 15.5 of MRT 17-A.

CDTOA also requests that the rate named in Item 120, paragraph (a) be increased by 8 percent. This rate is an additive--presently 28 cents per ton--applicable to the transportation of rock, sand, or gravel in transfer- or pup-type trailers. The rate would have been routinely adjusted along with the line haul rates which were recently increased by D.84-07-016 dated July 5, 1984 in CDTOA's Petition 67; however, CDTOA inadvertently omitted Item 120 from its request in that petition. The Commission's staff reviewed the request and finds it reasonable. CDTOA served copies of its petition upon the same parties who received service of its recent rate offset request in Petition 67. No objection to this petition has been received.

Findings of Fact

1. By D.84-05-095, dated May 16, 1984 in C.9819 OSH 59, and C.5437 OSH 319, zone rates were established in Sections 15.1 through 15.5 of MRT 17-A for asphaltic concrete transported in 5-axle dump truck equipment.
2. The rates established by D.84-05-095 were based upon costs used in developing the hourly rates named in Item 390 of MRT 7-A for commodities transported in 5-axle dump truck equipment.
3. By D.84-07-015, dated July 5, 1984 in C.5437, Petition 321, rates in Item 390 applicable in the Southern Region of the Southern Territory were increased by approximately 8 percent.
4. CDTOA requests that rates in Items 15.1 through 15.5 of MRT 17-A be increased by 8 percent.
5. CDTOA also requests that the additive rate of 28 cents per ton, named in Item 120, paragraph (a) be increased by 8 percent. This item was inadvertently omitted from its request in Petition 67.

Conclusion of Law

The petition should be granted. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. MRT 17-A (Appendix C to D.80578, as amended) is further amended by incorporating Supplement 32 attached, to become effective November 1, 1984.

2. Common carriers subject to the Public Utilities Act, to the extent that they also are subject to D.80578, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

3. Tariff publications required 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 effective date of the tariff page attached on, not less than five days' notice to the Commission and to the public.

4. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of Public Utilities Code § 461.5 to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are modified only to the extent necessary to comply with this order; and schedules containing the rates 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, D.80578, as amended, shall remain in full force and effect.

6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to MRT 17-A.

7. The Executive Director shall serve a copy of the tariff amendments on each subscriber to MRT 17-A.

8. Petition for Modification 71 in C. 9819 is granted as set forth above.

This order is effective today.

Dated OCT 17 1984, at San Francisco, California.

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
Joseph E. Bodovitz, Executive Director

SURCHARGE SUPPLEMENT

SUPPLEMENT 32

(Cancels Supplement 31)

(Supplements 6, 13, 27, 29 and 32 Contain All Changes)

TO

MINIMUM RATE TARIFF 17-A

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY

IN DUMP TRUCK EQUIPMENT FROM

DEFINED PRODUCTION AREAS TO DESIGNATED DELIVERY ZONES

AND POINTS IN SOUTHERN CALIFORNIA

BY

HIGHWAY CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

Decision No. 84-10-071

EFFECTIVE NOVEMBER 1, 1984

APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules of this tariff and increase the amount so computed as follows: (See Exception)

1. By thirty-one and one-half (31-1/2) percent for the transportation of rock, sand and gravel in Sections 4, 5, 6, 7, and 9; and for the transportation of slag in Section 10; and Items 300, 320, 340, and 560;
2. By thirty-two and one-half (32-1/2) percent for the transportation of rock, sand and gravel in Sections 8, 9.1, and 9.2;
3. By twenty-seven and one-half (27-1/2) percent for the transportation of asphaltic concrete and cold road oil mixture in Sections 11, 12, 13, 14, and 15; and for the transportation of decomposed granite in Section 16;
- o(E)4. By eight (8) percent for the transportation of asphaltic concrete and cold road oil mixture in Sections 15.1, 15.2, 15.3, 15.4, and 15.5;
- o5. By eight (8) percent in Paragraph (a) in Item 120;
6. By nine (9) percent in Item 180; and
7. By twenty-two and one-half (22-1/2) percent on all other rates and charges.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

- o1. Paragraph (b) in Item 120 - Application of Tariff--Rates;
2. Items 200 and 220 (Railhead-to-railhead charges only); and
3. Item 280 - Collect on Delivery (C.O.D.) Shipment.

**

THE END

(E) Expires with May 20, 1986.

oChange	}	Decision No. 84-10-071
oIncrease		
**Eliminated		