

ORIGINAL

Decision 84 11 087

NOV 21 1984

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 70
 (Filed June 20, 1984)

O P I N I O N

Kirstrock Co., a division of Kirst Construction Co., Inc. (petitioner) requests modification of the Southern California Production Area and Delivery Zone Directory No. 1, and Minimum Rate Tariff 17-A (MRT 17-A) by adding a new production area in Azusa, Los Angeles County, with rates, for the transportation of rock and sand from the new production area to delivery zones in Orange and Los Angeles Counties.

MRT 17-A names minimum rates for the transportation by dump truck carriers of certain commodities including rock, sand, and gravel. The tariff contains zone rates which apply from defined production areas to designated delivery zones via a network of routes over most of the legally traversable highways in Southern California areas where the rates apply.

Petitioner alleges it is now producing, marketing, and distributing rock and sand products at this new commercial production plant located 1.7 miles north of Huntington Drive on Encanto Parkway in the Fish Canyon section of the City of Azusa. Petitioner engages for hire carriers to haul rock and sand to delivery zones and

destinations in Los Angeles and Orange Counties. Zone rates are not now available for rock and sand shipped from the new plant to points within the system of delivery zones established in MRT 17-A since no production area has been established for this plant.

Petitioner further alleges that establishment of a new commercial production area for the plant and the establishment of zone rates in MRT 17-A will eliminate rate discrimination in favor of competing rock aggregate producers and establish rate parity with those producers.

The Commission staff recommends that the petition be granted. Petitioner has developed and the staff has confirmed round-trip times and mileages from petitioner's facility to nodes 33223 and 33231, for use in rate making.

Petitioner and the staff have also developed a boundary description for publication in Southern California Production Area and Delivery Zone Directory 1, which includes petitioner's facility.

A copy of the petition was served on four trucking associations whose members perform dump truck operations in the involved areas and on six business associations whose members either produce or use rock products. No protest to the petition has been received.

Findings of Fact

1. MRT 17-A names minimum rates for the transportation by dump truck carriers of certain commodities via a network of routes over most legally traversable highways in Southern California.
2. Petitioner maintains a new production facility, as described in the petition, where rock and sand is produced.
3. Present MRT 17-A zone rates do not apply to transportation of rock and sand from petitioner's facility.
4. Petitioner and the staff have developed information concerning traverse mileages and times from petitioner's facility to existing nodes. It recommends that the petition be granted.

5. The rates adopted in the following order will result in just, reasonable, and nondiscriminatory minimum rates for the transportation involved.

6. A public hearing is not necessary.

7. The following order has no reasonably foreseeable impact on the energy efficiency of dump truck carriers.

Conclusions of Law

1. The petition should be granted to the extent provided in the following order.

2. The effective date of this order should be today because there is an immediate opportunity for rate relief.

O R D E R

IT IS ORDERED that:

1. MRT 17-A (Appendix C of D.80578, as amended) is further amended by incorporating Original Page 4-H and Original Page 4-H-1, attached, to become effective 20 days after today.

2. Southern California Production Area and Delivery Zone Directory 1 (Appendix A of D.65469, as amended) is further amended by incorporating Fourth Revised Page 19 and Fourth Revised Page 20, attached, to become effective 20 days after today.

3. Common carriers subject to the Public Utilities Act, to the extent that they are also subject to D.80578 and D.65469, as amended, are authorized to establish in their tariffs the rates and routes necessary to conform with the further revisions ordered by this decision.

4. Tariff publications required to be made by common carriers as a result of this order shall be filed on not less than 5 days' notice to the Commission and to the public if filed not later than 60 days after the effective date of the minimum rate tariff pages incorporated in this order.

5. 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.

6. In all other respects D.80578 and D.65469, as amended, shall remain in full force and effect.

7. 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.

8. The petition is granted as set forth above.

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

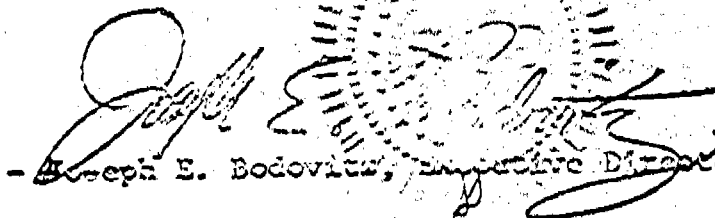
This order is effective today.

Dated NOV 21 1984, at San Francisco, California.

FRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Victor Calvo,
being necessarily absent, did
not participate

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE
COMMISSIONERS


- Joseph E. Bodovitz, Executive Director

SECTION 4 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

*FROM LOS ANGELES COUNTY PRODUCTION AREA 19-H TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
19001 307	19051 358	19101 168	19151 287	19201 353	19251 420	19314 159
19002 307	19052 342	19102 183	19152 310	19202 320	19252 398	19315 172
19003 317	19053 327	19103 190	19153 317	19203 314	19253 433	19316 177
19004 312	19054 315	19104 204	19154 346	19204 284	19254 424	19317 176
19005 309	19055 298	19105 195	19155 320	19205 279	19255 407	19318 141
19006 302	19056 286	19106 204	19156 334	19206 270	19256 385	19319 111
19007 292	19057 278	19107 259	19157 361	19207 243	19257 375	19320 104
19008 312	19058 255	19108 273	19158 358	19208 250	19258 355	19321 92
19009 324	19059 248	19109 265	19159 369	19209 273	19259 337	19322 69
19010 322	19060 211	19110 275	19160 394	19210 289	19260 332	19323 74
19011 348	19061 211	19111 265	19161 422	19211 297	19261 314	19324 94
19012 375	19062 198	19112 281	19162 445	19212 317	19262 303	19325 112
19013 356	19063 181	19113 285	19163 472	19213 337	19263 302	19326 122
19014 343	19064 252	19114 292	19164 489	19214 359	19264 316	19327 125
19015 328	19065 220	19115 370	19165 510	19215 357	19265 324	19328 182
19016 313	19066 223	19116 307	19166 322	19216 359	19266 342	19329 167
19017 305	19067 242	19117 304	19167 309	19217 336	19267 346	19330 143
19018 282	19068 242	19118 299	19168 323	19218 317	19268 356	19331 139
19019 284	19069 272	19119 294	19169 299	19219 296	19269 326	19332 129
19020 261	19070 258	19120 283	19170 283	19220 287	19270 410	19333 123
19021 263	19071 270	19121 283	19171 268	19221 267	19271 424	19334 116
19022 254	19072 295	19122 291	19172 261	19222 258	19272 413	19335 102
19023 250	19073 298	19123 282	19173 252	19223 249	19273 450	19336 86
19024 240	19074 311	19124 216	19174 226	19224 265	19274 418	19337 86
19025 238	19075 319	19125 216	19175 239	19225 289	19275 452	19338 105
19026 226	19076 343	19126 199	19176 229	19226 307	19276 429	19339 132
19027 229	19077 356	19127 186	19177 229	19227 326	19277 435	19340 145
19028 226	19078 374	19128 187	19178 232	19228 348	19278 422	19341 191
19029 223	19079 429	19129 181	19179 243	19229 355	19279 421	19342 223
19030 204	19080 406	19130 197	19180 258	19230 328	19280 405	19343 197
19031 197	19081 382	19131 208	19181 270	19231 311	19281 392	19344 183
19032 185	19082 370	19132 209	19182 286	19232 296	19282 382	19345 163
19033 189	19083 368	19133 204	19183 290	19233 275	19283 380	19346 136
19034 195	19084 350	19134 235	19184 299	19234 263	19284 362	19347 113
19035 211	19085 338	19135 266	19185 314	19235 246	19285 356	19348 97
19036 211	19086 330	19136 295	19186 332	19236 277	19286 370	19349 90
19037 221	19087 323	19137 301	19187 349	19237 292	19287 294	19350 105
19038 217	19088 314	19138 340	19188 332	19238 308	19301 199	19351 113
19039 278	19089 308	19139 315	19189 312	19239 339	19302 178	19352 154
19040 279	19090 277	19140 337	19190 276	19240 373	19303 176	19353 163
19041 288	19091 261	19141 296	19191 256	19241 353	19304 169	19354 175
19042 308	19092 244	19142 280	19192 227	19242 340	19305 167	19355 182
19043 328	19093 239	19143 264	19193 244	19243 346	19306 163	19356 169
19044 344	19094 234	19144 236	19194 254	19244 318	19307 163	19357 174
19045 359	19095 227	19145 229	19195 265	19245 300	19308 145	19358 190
19046 374	19096 233	19146 226	19196 283	19246 291	19309 134	19359 157
19047 385	19097 221	19147 226	19197 302	19247 332	19310 112	19360 150
19048 402	19098 204	19148 234	19198 304	19248 352	19311 131	19361 155
19049 388	19099 209	19149 248	19199 330	19249 361	19312 149	19362 133
19050 376	19100 227	19150 257	19200 351	19250 430	19313 141	19363 134

*ADDITION, DECISION

84 11 087

EFFECTIVE:

DEC 11 1984

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

CORRECTION

SECTION 4 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

*FROM LOS ANGELES COUNTY PRODUCTION AREA 19-M
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
19364 128	19426 206	19607 347	19754 395	30042 293	30100 416	
19365 107	19427 211	19608 370	19755 429	30043 299	30101 434	
19366 105	19428 209	19609 352	19756 468	30044 300	30102 455	
19367 116	19429 187	19610 373	19757 488	30045 299	30103 477	
19368 137	19430 167	19700 328	19758 513	30046 291	30116 471	
19369 151	19431 167	19701 338	19759 266	30047 308	30117 492	
19370 167	19432 175	19702 361	19760 292	30048 320	30118 496	
19371 184	19433 214	19703 387	19761 329	30049 334		
19372 213	19434 203	19704 411	19762 338	30050 316		
19373 226	19435 222	19705 435	30001 245	30051 307		
19374 221	19436 190	19706 389	30002 228	30052 320		
19375 203	19437 185	19707 399	30003 215	30053 324		
19376 187	19438 193	19708 397	30004 228	30054 320		
19377 182	19439 232	19709 405	30005 214	30055 316		
19378 170	19440 219	19710 374	30006 248	30056 300		
19379 178	19441 199	19711 385	30007 252	30057 303		
19380 146	19442 197	19712 367	30008 245	30058 282		
19381 136	19443 201	19713 349	30009 230	30059 305		
19382 131	19444 224	19714 337	30010 251	30060 323		
19383 128	19445 224	19715 341	30011 265	30061 313		
19384 111	19446 246	19716 370	30012 240	30062 314		
19385 135	19447 230	19717 365	30013 264	30063 336		
19397 173	19448 208	19726 223	30014 253	30064 332		
19398 166	19449 217	19727 251	30015 237	30065 325		
19399 154	19450 211	19728 273	30016 238	30066 342		
19401 151	19451 225	19729 295	30017 243	30067 386		
19402 155	19452 221	19730 319	30018 256	30068 365		
19403 161	19453 233	19731 347	30019 260	30069 376		
19404 170	19454 221	19732 373	30020 258	30070 374		
19405 184	19455 236	19733 405	30021 272	30071 359		
19406 170	19456 238	19734 441	30022 258	30072 352		
19407 175	19457 268	19735 476	30023 252	30073 338		
19408 158	19458 248	19736 508	30024 266	30074 354		
19409 148	19459 265	19737 553	30025 274	30075 348		
19410 136	19460 250	19738 599	30026 326	30076 338		
19411 125	19461 226	19739 638	30027 318	30077 328		
19412 118	19462 246	19740 671	30028 298	30078 359		
19413 135	19463 266	19741 704	30029 275	30079 377		
19414 175	19464 279	19742 743	30030 283	30080 379		
19415 168	19465 295	19743 786	30031 275	30081 354		
19416 189	19466 312	19744 819	30032 284	30090 364		
19417 205	19467 282	19745 853	30033 276	30091 394		
19418 213	19468 278	19746 897	30034 278	30092 399		
19419 203	19469 259	19747 383	30035 263	30093 400		
19420 195	19600 219	19748 423	30036 246	30094 417		
19421 191	19601 239	19749 463	30037 254	30095 430		
19422 161	19602 246	19750 485	30038 258	30096 406		
19423 160	19603 284	19751 308	30039 281	30097 445		
19424 183	19605 281	19752 333	30040 263	30098 459		
19425 193	19606 317	19753 363	30041 287	30099 395		

*ADDITION, DECISION

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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

CORRECTION

SECTION 2--LOS ANGELES COUNTY PRODUCTION AREAS
AND DELIVERY ZONES (Continued)

LOS ANGELES COUNTY PRODUCTION AREAS	Area
<p>All of that portion of the City of Irwindale within Production Area C lying southerly of Arrow Highway.</p>	19-GA
<p>Beginning at the intersection of the prolongation of Jackson Avenue and the westerly prolongation of 2nd Street; thence westerly along the prolongation of 2nd Street to its intersection with a direct line between the intersection of Fish Canyon Road and Pacific Electric Railway Company's (Glendora Line) right-of-way and the intersection of Arrow Highway and Maine Avenue; thence southerly along said direct line to the intersection of Arrow Highway and Maine Avenue; easterly along Arrow Highway to Vincent Avenue; northerly along Vincent Avenue to Gladstone Street; easterly along Gladstone Street to Jackson Avenue; northerly along Jackson Avenue and its prolongation to the point of beginning.</p>	19-GB
<p>Beginning at the intersection of the prolongation of Loren Avenue and 11th Street in the City of Azusa; westerly along 11th Street and its prolongation to its intersection with the Pacific Electric Railway Company's (Glendora Line) right-of-way; westerly along the Pacific Electric Railway Company's (Glendora Line) right-of-way to its intersection with Fish Canyon Road; southerly along a direct line toward the intersection of Arrow Highway and Main Avenue to the intersection of said line with the westerly prolongation of 2nd Street; easterly along the prolongation of 2nd Street to its intersection with the southerly prolongation of Coney Avenue; northerly along the southerly prolongation of Coney Avenue, Coney Avenue; northerly along the southerly prolongation of Coney Avenue, Coney Avenue and its northerly prolongation to Foothill Boulevard; westerly along Foothill Boulevard to Loren Avenue; northerly along Loren Avenue and its prolongation to the point of beginning.</p>	19-GC
<p>That area in Fish Canyon within the City of Azusa that lies in the West one-half of the West one-half of the Northwest one-quarter of Section 22; the Northwest one-quarter of the Northwest one-quarter of the Southwest one-quarter of Section 22; the East one-half of the East one-half of the Northeast one-quarter of Section 21; the Northeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 21 all in Township 1 North, Range 10 West San Bernardino Meridian.</p>	* 19-H

* Addition, Decision No.

84 11 087

EFFECTIVE DEC 11 1984

Correction

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA.

SECTION 2--LOS ANGELES COUNTY PRODUCTION AREAS
 AND DELIVERY ZONES (Continued)

LOS ANGELES COUNTY PRODUCTION AREAS	Area
<p>That area in the City of Long Beach adjacent to the westerly end of Seventh Street and having Slip 2 for its northerly boundary, Long Beach Turning Basin for its westerly boundary, Slip 3 for its southerly boundary and a straight line between the easterly extremities of Slips 2 and 3 for its easterly boundary.</p>	19-I
<p>The area within the northerly one-half of Section 6, T. 2N., R. 16W., accessible via Brown's Canyon Road.</p>	19-II
<p>Beginning at the intersection of Michigan Avenue and the west bank of the Arroyo Seco Devil's Gate Reservoir, Pasadena, California, thence northerly along said west bank 3,500 feet, thence easterly across the Arroyo Seco 2,000 feet to the east bank of Arroyo Seco, thence southerly along the east bank of Arroyo Seco 5,500 feet, thence westerly across the Arroyo Seco 2,000 feet to the west bank of Arroyo Seco, thence northerly 2,000 feet along the west bank of Arroyo Seco to the point of beginning.</p>	19-JA
<p>Beginning at the intersection of U.S. Highway 99 and the Los Angeles County Wayside Honor Ranch Road; southeasterly along U.S. Highway 99 to its junction with State Highway 126; southwesterly along State Highway 126 (approximately 1.45 miles) to Bridge 53.93 at Castaic Creek; northeasterly in a direct line to the intersection at Hasley Canyon Road and the Blue Diamond Company plant entrance road; northerly along Hasley Canyon Road to a point due west of the intersection of U.S. Highway 99 and the Los Angeles County Wayside Honor Ranch Road; due east along a direct line to the point of beginning.</p>	19-JJ
<p>Includes the Soledad area, Pole Canyon Creek Bed, located in that portion of the S-1/2 of Section 17 and the NE-1/4, S.20, T-4-N, R.14W., S.B.M., Los Angeles County, consisting of 100 acres of the U.S. Department of Agriculture, approximately 23 acres of private property located therein.</p>	19-KK

No change on this page. Decision No.

84 11 067

EFFECTIVE DEC 11 1984

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.

Correction