

Decision 87 11 005

NOV 13 1987

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 the )  
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. )

**ORIGINAL**

Case 9819  
Petition for Modification 95  
(Filed June 12, 1987)

OPINION

Blue Diamond Materials, a division of Sully-Miller Contracting Company, has filed to request a modification of Minimum Rate Tariff 17-A (MRT 17-A).

Petitioner is in the business of producing, marketing, and distributing rock, sand, and gravel products, employing independent carriers to haul its products in Southern California. Articles of Incorporation have been previously filed with the Commission (Cal. T-12864).

Decision (D.) 69469 and D.68543, in Case (C.) 5437 formulated Directory No. 1, containing descriptions of production areas and delivery zones, and rules governing boundary descriptions applicable to minimum rate tariffs, making specific reference thereto. MRT 17-A was adopted to establish minimum zone and area to point rates, rules and regulations for the transportation of commodities as described in Item 60 in dump truck equipment from defined production areas to established delivery zones and points in Southern California by highway carriers.

By D.87293, C.9819, Petition for Modification (Petition) 20, the Public Utilities Commission established zone rates for Item 60 commodities from petitioner's production facilities located within currently described Production Area 30T (see Directory 1). In C.9819, Petition 20, petitioner established a tie-in to the dump truck zone network from Production Area 30T (Node 40668) to Jeffrey Road and Irvine Blvd. (Node 40661).

Blue Diamond Materials now seeks to add an additional tie-in segment from 30T (Node 40668) to Santiago Canyon Road and Chapman Avenue (Node 40263). Current conditions require the importation of materials from Production Area 30T to an asphalt plant located in Production Area 30A in Delivery Zone 30227. At the time of Petition 20 in C.9819 due to restrictions imposed by the County of Orange no tie-in from 30T to Node 40263 was proposed. Those restrictions have now been removed, making current zone rates from Production Area 30T to Delivery Zone 30027 and adjacent zones unreasonably excessive.

The new route will extend 5.5 miles westerly from applicant's Production Area and roundtrips can be completed in about 19 minutes. A 5 axle bottom dump truck with trailer will be used to perform the service.

A copy of the application was served on the California Carriers Association, California Dump Truck Owners Association, Associated Independent Owner Operators, Inc., Southern California Rock Products Association, California Asphalt Pavement Association, and the Department of Transportation of the State of California. The filing of the application was noted in the Commission's Daily Calendar on June 19, 1987 and there have been no protests or requests for a hearing.

The Transportation Division has recommended that the application be granted.

Findings of Fact

1. The extension of zone rates in MRT 17-A to include the tie-in from Production Area 30-T to Node 40263 was not possible due to restrictions imposed by Orange County.

2. The Orange County imposed restrictions have now been eliminated.

3. Rates in MRT 17-A to the extent that they do not include the tie-in from Production Area 30-T to Node 40263 are unreasonably high.

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

5. A public hearing is not necessary.

Conclusions of Law

1. MRT 17-A should be amended to include the tie-in from Production Area 30-T to Node 40263 in its computer generated zone rates.

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

3. The effective date of this order should be today because there is an immediate need for the rate relief.

ORDER

IT IS ORDERED that:

1. Minimum Rate Tariff (MRT) 17-A (Appendix C to Decision (D.) 80578, as amended) is further amended by incorporating Thirteenth Revised Page 5-S and Fifth Revised Page 5-T, attached, to become effective 30 days after today.

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

3. The Executive Director shall serve a copy of this decision on each subscriber to MRT 17-A.

4. The petition is granted as set forth above.

This order is effective today.

Dated NOV 13 1987, at San Francisco, California.

STANLEY W. BULLITT  
President  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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

*Victor Weissor*  
Victor Weissor, Executive Director

*js*

SECTION 5--ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM ORANGE COUNTY PRODUCTION AREA 30-S  
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
30001	293	30051	158								
30002	282	30052	195								
30003	294	30053	215								
30004	322	30054	241								
30005	336	30055	247								
30006	331	30056	259								
30007	349	30057	283								
30008	317	30058	332								
30009	281	30059	303								
30010	257	30060	288								
30011	278	30061	263								
30012	267	30062	230								
30013	294	30063	206								
30014	276	30064	193								
30015	290	30065	167								
30016	311	30066	102								
30017	335	30067	141								
30018	318	30068	130								
30019	296	30069	162								
30020	269	30070	160								
30021	254	30071	138								
30022	248	30072	151								
30023	257	30073	170								
30024	231	30074	216								
30025	238	30075	243								
30026	223	30076	260								
30027	205	30077	274								
30028	195	30078	248								
30029	220	30079	248								
30030	199	30080	226								
30031	216	30081	180								
30032	234	30090	257								
30033	265	30091	289								
30034	288	30092	253								
30035	301	30093	260								
30036	318	30094	238								
30037	329	30095	225								
30038	303	30096	192								
30039	329	30097	247								
30040	295	30098	268								
30041	286	30099	186								
30042	269	30100	205								
30043	251	30101	237								
30044	230	30102	262								
30045	204	30103	292								
30046	195	30116	284								
30047	171	30117	312								
30048	139	30118	319								
30049	115										
30050	132										

No change on this page. Decision No. **87 11 005** EFFECTIVE **12-13-87**

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

Correction

SECTION 5--ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM ORANGE COUNTY PRODUCTION AREA 30-T  
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
30001	258	30051	205						
30002	260	30052	237						
30003	280	30053	260						
30004	308	30054	260						
30005	322	30055	262						
30006	330	30056	290						
30007	335	30057	311						
30008	303	30058	331						
30009	267	30059	352						
30010	222	30060	339						
30011	243	30061	313						
30012	253	30062	283						
30013	280	30063	262						
30014	275	30064	237						
30015	289	30065	227						
30016	311	30066	169						
30017	335	30067	207						
30018	317	30068	196						
30019	295	30069	228						
30020	268	30070	226						
30021	253	30071	204						
30022	240	30072	217						
30023	226	30073	241						
30024	196	30074	272						
30025	203	30075	299						
30026	122	30076	316						
30027	145	30077	330						
30028	154	30078	304						
30029	195	30079	304						
30030	186	30080	292						
30031	216	30081	246						
30032	233	30090	313						
30033	264	30091	345						
30034	287	30092	319						
30035	300	30093	326						
30036	318	30094	304						
30037	328	30095	291						
30038	302	30096	258						
30039	328	30097	313						
30040	295	30098	334						
30041	286	30099	252						
30042	268	30100	271						
30043	250	30101	303						
30044	230	30102	328						
30045	229	30103	358						
30046	204	30116	350						
30047	192	30117	378						
30048	172	30118	385						
30049	181								
30050	199								

Change, Decision No.

87 11 005

EFFECTIVE

1/2-13-87

Correction

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SAN FRANCISCO, CALIFORNIA.

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