

Decision 88 04 046 APR 27 1988**ORIGINAL** APR 27 1988

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 cement)
 clinker.)

Application 88-02-048
 (Filed February 25, 1988)

OPINION

Dalton Trucking, Inc. (applicant) hereby applies for authority to continue to deviate from the applicable rates of Minimum Rate Tariff 7-A (MRT 7-A) for the transportation of cement clinker in dump truck type equipment from Riverside Cement Company's plant located at Oro Grande, California, to General Portland Cement Company's facility located at Los Robles, California. Current minimum rate for said transportation, as provided in MRT 7-A, is \$10.47 per ton (2,000 pounds). Applicant proposes a rate of \$8.50 per ton (2,000 pounds). Authority to deviate from the otherwise applicable minimum rates was originally granted by the Commission under Decision 87-01-022 in Application 86-09-035.

It is estimated that applicant will be tendered 10,000 tons per 12-month period, which is contingent upon applicant receiving deviation approval.

The 24-ton minimum will allow applicant to use its truck and transfer trailers which do not have the 28-ton capacity of its bottom dump fleet. Applicant operates 30 tractors and bottom dump trailers, almost exclusively for Riverside Cement Company.

Loading will be performed by front-end loader furnished without cost to applicant or by applicant's vehicles driving under a hopper with a clam feeder which is operated by the driver pulling

a handle. Loading facilities are available at least 5 days a week, 24 hours a day.

Unloading is performed primarily by direct rolling discharge or by driving over a grizzly hopper which then stacks the material in a stockpile. Unloading facilities are available at least 5 days per week, 24 hours per day.

A certified scale will be maintained by the shipper for the use of applicant.

Standby and delay time, which is a maximum allowance of 25 minutes for loading and 15 minutes for unloading, will be allowed. When the combination of the two times has been exceeded for any given vehicle on any trip, applicant will be paid \$17.50 per hour or portion thereof.

Applicant will bill Riverside Cement Company daily for the tons transported. Riverside Cement Company will process the invoices within 7 days of receipt for payment and will normally pay the invoices within 14 days of processing.

Applicant will not engage underlying carriers (subhaulers) to perform this service.

Appendix A, attached to the application, is a cost study with respect to the subject transportation. The cost study indicates the transportation at the proposed rates will be compensatory.

The Transportation Division staff has advised that it has reviewed the application and believes it is one which, in the absence of protest, may be granted by ex parte order.

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar of March 1, 1988. No protests or requests for hearing have been received.

Findings of Fact

1. Applicant seeks authority to assess rates less than the minimum rates set forth in MRT 7-A for the transportation of cement clinker in dump truck type equipment from Riverside Cement

Company's plant located at Oro Grande to General Portland Cement Company's facility located at Los Robles.

2. It is estimated that applicant will be tendered 10,000 tons over a period of one year.

3. The loading will be performed by use of a front-end loader furnished and used without expense to applicant or by applicant's vehicle driving under a hopper with a clam feeder which is operated by the driver pulling a handle.

4. Unloading will be performed by applicant's vehicle driving over a hopper or by direct rolling discharge to the ground or a drive-on stockpile.

5. Loading facilities are available at least 5 days per week, 24 hours a day. Unloading is available at least 5 days per week, 24 hours a day.

6. A certified scale will be maintained by shipper for the use of applicant.

7. A maximum allowance of 25 minutes for loading and 15 minutes for unloading will be allowed. When the combination of the two times has been exceeded for any given vehicle on any trip, applicant will be paid \$17.50 per hour or portion thereof.

8. Applicant will bill Riverside Cement Company daily for the tons transported. Riverside Cement Company will process the invoices within 7 days of receipt for payment and will normally pay the invoices within 14 days of processing.

9. Cost data submitted with the application indicate that transportation at the proposed rate will be compensatory.

10. Applicant has stated that subhaulers will not be engaged.

11. No protests have been received.

12. A public hearing is not necessary.

13. The proposed rate is reasonable.

Conclusions of Law

1. The application should be granted to the extent set forth in the following order.

2. This order will be made effective today as there is an immediate need for relief.

3. Since transportation conditions may change, this authority should expire in one year.

ORDER

IT IS ORDERED that:

1. Dalton Trucking, Inc. may depart from the rates in MRT 7-A by charging not less than the rates in Appendix A.

2. This authority shall expire one year after the effective date of this order.

This order is effective today.

Dated APR 27 1988, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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

Victor Weisser

Victor Weisser, Executive Director

AB

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Cement Clinker

Origin: Riverside Cement Company plant, Oro Grande

Destination: General Portland Cement Company, Los Robles

Rate: \$8.50 per ton

Minimum Weight: 24 tons

Conditions:

1. Should this transportation be performed by subhaulers, such subhaulers shall be compensated at rates not less than those named in this appendix.
2. A maximum of 25 minutes for loading and 15 minutes for unloading will be allowed. When the combination of these two times has been exceeded on any trip, carrier shall be paid \$17.50 per hour or portion thereof.

(END OF APPENDIX A)