

Decision 88 05 057

MAY 25 1988

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 trans-)
 portation of sand, rock, gravel, and)
 related items in bulk, in dump)
 truck equipment between points in)
 California as provided Minimum Rate)
 Tariff 7-A and the revisions or)
 reissues thereof.)

Case 5437
 Petition for Modification 336
 (Filed February 23, 1988)

OPINION

Applied Industrial Materials Corporation (Aimcor) has applied for authority to amend Item 70(b) of Minimum Rate Tariff 7-A and page 5 of "Commodities and Geographic Areas Exempt from Rate Regulation" to substitute the corporate name Aimcor in place of International Minerals and Chemical Corporation (IMC).

The carbon, minerals, and chemical division of IMC were transferred to IMC Industry Group, which became Aimcor about November 3, 1986. The facilities, activities, equipment, and managerial personnel of IMC were also transferred and now are part of Aimcor.

Notice of the filing of the application was published in the Commission's Daily Transportation Calendar of February 29, 1988 and there have been no protests or requests for hearing. A grant of this application will merely authorize the substitution of names.

Findings of Fact

1. Applied Industrial Materials Corporation has requested that its name be added to Item 70(b) of Minimum Rate Tariff 7-A and page 5 of "Commodities and Geographic Areas Exempt from Rate Regulation" in place of International Materials and Chemical Corporation.

2. All facilities and operating personnel of the latter corporation have been transferred to the former organization.

3. Granting this application will have no effect other than to change the names as indicated.

4. The change of names is not adverse to the public interest. A public hearing is not necessary.

Conclusion of Law

The petition should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. Minimum Rate Tariff 7-A (Appendix B to D.82061, as amended) is further amended by incorporating Sixteenth Revised Page 10 and Sixteenth Revised Page 11, attached, to become effective 39 days after today.

2. The document "Commodities and Geographic Areas Exempt from Rate Regulation" is amended by incorporating Fourth Revised Page 5, attached, to become effective 39 days after today.

3. Tariff publications authorized to be made by common carriers as a result of this order shall be made effective not earlier than 39 days after today, and may be made effective 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.

4. In all other respects D.82061, as amended, shall remain in full force and effect.

5. The Executive Director shall serve a copy of this decision on every common carrier, or such carrier's authorized tariff publishing agent, performing transportation services subject to Minimum Rate Tariff 7-A, and on each subscriber to MRT 7-A.

88 05 057

6. The Executive Director shall serve a copy of the revision to the list of Commodities and Geographic Areas Exempt from Rate Regulation on each highway common carrier and each highway contract carrier.

7. The petition is granted.

This order becomes effective 30 days from today.

Dated MAY 25 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

Wagner, Executive Director

SECTION 1--RULES (Continued)	ITEM																		
<p align="center">APPLICATION OF TARIFF--COMMODITIES</p> <p>When reference is made to this item, rates apply to the transportation of the following commodities:</p> <table border="0"> <tr> <td>Coke, petroleum;</td><td>Fodder: Chopped green corn and</td></tr> <tr> <td>Concrete, broken, asphaltic or</td><td>sorghum grain plants, including heads,</td></tr> <tr> <td>hydraulic;</td><td>stalks, and leaves;</td></tr> <tr> <td>Concrete, premixed, wet;</td><td>Salt cake (crude sulphate of soda); and</td></tr> <tr> <td>Debris: From street or highway</td><td>Slurry (mixed sand, dust, crushed</td></tr> <tr> <td>maintenance, including ice, mud,</td><td>stone and/or gravel, wet).</td></tr> <tr> <td>and slush; also debris from drainage</td><td></td></tr> <tr> <td>or flood control construction and/or</td><td></td></tr> <tr> <td>maintenance projects;</td><td></td></tr> </table>	Coke, petroleum;	Fodder: Chopped green corn and	Concrete, broken, asphaltic or	sorghum grain plants, including heads,	hydraulic;	stalks, and leaves;	Concrete, premixed, wet;	Salt cake (crude sulphate of soda); and	Debris: From street or highway	Slurry (mixed sand, dust, crushed	maintenance, including ice, mud,	stone and/or gravel, wet).	and slush; also debris from drainage		or flood control construction and/or		maintenance projects;		60
Coke, petroleum;	Fodder: Chopped green corn and																		
Concrete, broken, asphaltic or	sorghum grain plants, including heads,																		
hydraulic;	stalks, and leaves;																		
Concrete, premixed, wet;	Salt cake (crude sulphate of soda); and																		
Debris: From street or highway	Slurry (mixed sand, dust, crushed																		
maintenance, including ice, mud,	stone and/or gravel, wet).																		
and slush; also debris from drainage																			
or flood control construction and/or																			
maintenance projects;																			
<p align="center">APPLICATION OF TARIFF--PAGES</p> <p>Unless otherwise provided, amendment of a page will be made by reprinting the page and showing a revision number. The revision numbers will be used in consecutive numerical order beginning with "First Revised Page". A revised page cancels any uncanceled revised or original pages which bear the same page number. Specific cancellation shall be made of pages containing rates or provisions under suspension or held in force by reason of suspension.</p>	65																		
<p>No change on this page, Decision No. 88 05 057</p>																			
<p align="right">EFFECTIVE 7/3/88</p> <p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>																			

ITEM	SECTION 1--RULES (Continued)												
	<p align="center">APPLICATION OF TARIFF--GENERAL</p> <p>Rates in this tariff do not apply to the transportation of:</p> <p>(a) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p>Δ(b) Petroleum coke for export when transported among the following points in the Los Angeles Harbor Commercial Zone: Shell Oil Company Refinery, Wilmington; Texaco Oil Company Refinery, Wilmington; Long Beach Pier "G", Berth 212; Applied Industrial Materials Corporation's storage facility, Los Angeles Harbor; Koch Carbon's storage facility, Carson; Atlantic Richfield Company Refinery, Carson; and Arco COC Kiln, Inc.'s facility, Wilmington.**</p> <p>(c) Property of the United States or property transported under agreement whereby the United States contracted for the carrier's service.</p> <p>(d) Property for which rates are provided in Minimum Rate Tariffs 17-A or 20 when said property is transported under the provisions of such tariffs.</p> <p>(e) Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</p> <p>For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see Minimum Rate Tariffs 17-A, 20 or other tariffs as the same may be.</p>												
80	<p align="center">APPLICATION OF TARIFF--TERRITORIAL</p> <p>Rates in this tariff apply for transportation between all points within the State of California.</p>												
90	<p align="center">ACCESSORIAL CHARGES</p> <p>In addition to the charges under the rates in Sections 2 and 4, and when, through no fault of the carrier, the unloading and release of carrier's equipment at destination is delayed beyond the time allowances shown herein, the following accessorial charges shall be assessed:</p> <table><thead><tr><th></th><th><u>a</u></th><th><u>b</u></th><th><u>c</u></th></tr></thead><tbody><tr><td>Charge per unit of carrier's equipment for delay beyond the time allowance shown below. Charge applies for each six (6) minutes (one-tenth of an hour) or fraction thereof.....</td><td>251</td><td>251</td><td>251</td></tr><tr><td>Time allowance in minutes, per unit of carrier's equipment (See Note).....</td><td>30</td><td>45</td><td>30</td></tr></tbody></table> <p>a. Applies when transportation is performed by truck without trailing equipment.</p> <p>b. Applies when transportation is performed by truck with transfer type trailer.</p> <p>c. Applies when transportation is performed by truck with other than transfer type pull trailers, tractors with semitrailers or tractors with semitrailers and pull trailers operating in train.</p> <p>NOTE:--In computing the time allowance under this rule, time shall commence when the carrier arrives at point of destination.</p>		<u>a</u>	<u>b</u>	<u>c</u>	Charge per unit of carrier's equipment for delay beyond the time allowance shown below. Charge applies for each six (6) minutes (one-tenth of an hour) or fraction thereof.....	251	251	251	Time allowance in minutes, per unit of carrier's equipment (See Note).....	30	45	30
	<u>a</u>	<u>b</u>	<u>c</u>										
Charge per unit of carrier's equipment for delay beyond the time allowance shown below. Charge applies for each six (6) minutes (one-tenth of an hour) or fraction thereof.....	251	251	251										
Time allowance in minutes, per unit of carrier's equipment (See Note).....	30	45	30										
	<div>ΔChange)</div> <div>ΔChange, neither increase)</div> <div>nor reduction)</div> <div>**Eliminated)</div> <div>Decision No. 88 05 057</div>												
	<p align="right">EFFECTIVE 7/3/88</p>												
	<p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>												
	<p>Correction</p>												

SECTION 2—LIST OF COMMODITIES EXEMPT FROM RATE REGULATION (continued)

Milk, liquid (Subject to Note 6).

Motor vehicles, disabled, when towed by a tow car.

Motor vehicles when towed by a tow car, exemption applies only when said transportation is performed within the East Bay Drayage Area as described in Section 5 and within the City and County of San Francisco.

Newspapers, newspaper supplements, sections or inserts (not scrap or waste); Subject to Note 1.

Nuts, in the shell.

Nuts, field shelled.

Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less; Subject to Notes 1 and 3; for San Diego Drayage Area see below.

Optical goods, as follows, when said transportation is performed within the San Diego Drayage Area described in Section 5:

Cases, eyeglass or spectacle, NOI;
Cases, eyeglass or spectacle, not covered nor lined;
Eyeglasses or spectacles, NOI;
Lenses, optical, NOI; -

1. Ground or polished;
2. Not surface ground nor polished (Lens Blanks).

Petroleum Coke for export, when transported in bulk in dump truck equipment between the following points in the Los Angeles Harbor Commercial Zone:

1. Shell Oil Company refinery, Wilmington;
2. Pier "C", Berth 212, Long Beach;
3. Storage facility of Applied Industrial Materials Corp., Los Angeles Harbor;
4. Texaco Oil Company refinery, Wilmington;
5. Storage facility of Koch Carbon, Inc., Carson;
6. Atlantic Richfield Company refinery, Carson;
7. Arco COC Kiln, Inc.'s facility, Wilmington.

Change, Decision 88 05 057

EFFECTIVE 7/3/88

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

Correction