

Decision 88 05 058

MAY 25 1988

ORIGINAL

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)
aggregate in bulk.)

Application 88-02-010
(filed February 4, 1988)

OPINION

Dalton Trucking, Inc. (applicant) is a California corporation located in Fontana. A certified copy of its Articles of Incorporation is in Commission Transportation File T-98,782. Applicant operates as a dump truck carrier, highway contract carrier, highway common carrier, heavy specialized carrier, certificated cement common carrier, and an agricultural carrier.

Applicant is requesting authority to deviate from the minimum rates in Minimum Rate Tariff (MRT) 7-A on the transportation of aggregate in bulk from Owl Rock's Lytle Creek plant to the Fontana Paving Hot Plant in Lucerne Valley. One-way mileage is 60-1/2 miles (60.5). The MRT 7-A rate for this movement is \$7.42 per ton. Applicant is proposing a rate of \$5.00 per ton on a minimum payload of 24 tons. The transportation will involve the movement of a minimum of 5,000 tons of aggregate per year.

Loading will be performed by a front-end loader at no cost to the applicant. The Lytle Creek plant has a scale which can be used by applicant without charge. Loading facilities are available five days per week, twelve hours per day. Unloading is performed by direct discharge over a hopper which stacks the material. Unloading facilities are available five days per week, between 6:00 a.m. and 5:00 p.m. In the event of loading or

unloading delays beyond a combined total of 60 minutes, applicant will charge Fontana Paving Company at a rate of \$20 per hour or portion thereof.

Applicant has included in an appendix a payload figure below what it actually intends to haul per load so the Commission can be assured that even at the lowest level, profit can be generated. A 24-ton minimum will allow applicant to better utilize its truck and trailer fleet, which cannot haul the 27.5 ton payload possible with other dump truck equipment.

Applicant's existing fleet is adequate to perform the services needed. Empty trucks are sent into the High Desert to handle loads coming out, but there is a scarcity of freight hauled into the area. Applicant will not use subhaulers to perform this transportation.

Appendixes attached to the application provide cost studies with respect to the subject application. The studies indicate that the transportation at the proposed rates will be compensatory.

Montana Paving, Inc., the shipper, has provided a letter in support of the application.

Copies of the application were mailed to California Carriers Association in San Francisco; Associated Independent Owner Operators, Norwalk; California Dump Truck Owners Association, Upland; and the California Trucking Association, West Sacramento. Notice of the filing of the application appeared in the Commission's Daily Calendar on February 10, 1988 and in the Daily Transportation Calendar on February 11, 1988. There have been no protests or requests for hearing.

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 aggregate in bulk from Owl Rock's Lytle Creek plant to the Fontana Paving Hot Plant in Lucerne Valley.

2. It is estimated that applicant will be tendered up to 5,000 tons per year on this operation.
3. Loading will be performed by a front-end loader operated by the shipper at no cost to the applicant.
4. Unloading is performed by direct discharge over a hopper, which then stacks the material.
5. Loading facilities are available five days a week, 12 hours a day.
6. Unloading can be scheduled five days a week between 6:00 a.m. and 5:00 p.m.
7. A scale is available at the Lytle Creek plant which applicant can use without being charged therefor.
8. In the event of loading or unloading delays beyond a combined total of 60 minutes, applicant will charge the shipper at a rate of \$20 per hour or portion thereof.
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. Since there is an immediate need for the sought relief, the effective date of this order should be today.
3. This authority should expire in one year.

88 05 058

ORDER

IT IS ORDERED that:


1. Dalton Trucking, Inc. is authorized to depart from the provisions of MRT 7-A to the extent set forth in Appendix A attached.
2. The authority granted shall expire one year after the effective date of this order.
3. In all other respects, the provisions of MRT 7-A shall apply.

This order is effective 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.


Victor Weiss, Executive Director

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Aggregate in bulk.

Origin: Owl Rock Lytle Creek Plant.

Destination: Fontana Paving Hot Plant, Lucerne Valley.

Rate: \$5.00 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 60 minutes will be allowed for loading and unloading combined. If delays occur requiring a combined time greater than 60 minutes, the shipper will be charged at a rate of \$20 per hour or portion thereof.

(END OF APPENDIX A)