

Decision 88 05 059

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 crushed )  
limestone. )

Application 88-02-049  
(Filed February 25, 1988)

OPINION

Dalton Trucking, Inc. (applicant) requests authority to deviate from Minimum Rate Tariff (MRT) 7-A for the transportation of crushed limestone in dump truck type equipment from Pfizer's Limestone Quarries located at Lucerne Valley to Riverside Cement Company located at Crestmore, California. Current minimum rate for said transportation as provided in MRT 7-A is \$9.56 per ton (2,000 lbs.). Applicant proposes a rate of \$6.50 per ton (2,000 lbs.), with a minimum load of 24 tons per vehicle. Authority to deviate from the MRT 7 rate was originally granted by the Commission under Decision (D.) 85-08-062 in Application (A.) 85-04-113 and was extended under D.87-01-019 in A.86-09-010. The one-way distance between origin and destination is 81 miles.

It is estimated that applicant will be tendered 100,000 tons per 12-month period, to be divided into 8 equal increments.

The 24-ton minimum will allow the applicant to better utilize its truck and transfer trailer fleet which cannot handle the 28-ton payload possible with the bottom dump fleet. Applicant operates 30 tractors and sets of bottom dump trailers almost exclusively for Riverside Cement Company.

Loading will be performed by use of 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.

Unloading will be performed by the vehicle driving over a hopper and depositing the load, or by direct discharge onto the ground.

Loading facilities are available 5 days a week and 16 hours a day. Unloading is available 5 days a week on a 24-hour basis.

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

A maximum allowance of 25 minutes for loading and 15 minutes for unloading shall 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.

It is alleged that applicant has been performing the services for several years under the deviation and is fully experienced in the true costs of performing the haul. The traffic is desirable and profitable, and with its background of experience and supporting financial and cost data, applicant is confident of producing an efficient and low-cost operation.

Cost justification is summarized in Appendix A, attached to the application, with respect to the subject transportation. The cost study indicates that 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 2, 1988. No protests to the granting of the application 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 crushed limestone from Pfizer's Limestone Quarries at Lucerne Valley to Riverside Cement Co. at Crestmore.

2. It is estimated that applicant will be tendered up to 100,000 tons per 12-month period; to be divided into eight approximately equal monthly increments.

3. The loading will be performed by use of 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 stock pile.

5. Loading facilities are available at least 5 days per week, 16 hours per day. Unloading is available at least 5 days per week, 24 hours per 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 shall be allowed. When the combination of the two (2) 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. This will greatly enhance applicant's cash flow.

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 the order should be today.

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

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 unless sooner canceled or extended by order of this Commission.

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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  
C. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

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

  
Victor Wesson, Executive Director

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Crushed limestone.

Origin: Pfizer's Limestone Quarries, Lucerne Valley.

Destination: Riverside Cement Co., Crestmore.

Rate: \$6.50 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 hereof.

(END OF APPENDIX A)