

JUN 9 1988

Decision 88 06 011 JUN 8 1988**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Les Calkins Trucking, Inc. for )  
 authority to deviate from the rates, )  
 rules and regulations of Minimum )  
 Rate Tariff 7-A for the transportation )  
 of Clinker, pursuant to Section 3666 )  
 of the Public Utilities Code. )

Application 88-01-015  
 (Filed January 19, 1988)

OPINION

Les Calkins Trucking, Inc. (applicant) is a corporation organized and existing under the laws of the State of California. A copy of its Articles of Incorporation are on file with the Commission in File No. T-69364. It is authorized to conduct for-hire carrier operations under various permits and certificates issued by the Commission, including a dump truck carrier permit and a cement carrier certificate.

Applicant requests authority to deviate from Minimum Rate Tariff (MRT) 7-A for the transportation of cement clinker (as described in Item 40 of MRT 7-A) from San Andreas to Redding.

Applicant proposes a rate of \$5.00 per ton, with a minimum weight of 27 tons, in lieu of the rate named in Item 320. Such rate would apply only for the movement of cement clinker from San Andreas to Redding as part of a round-trip movement which involves the transportation of sacked cement from Redding to Union City at the carrier's existing common carrier rates. In all other respects, the provisions of MRT 7-A would be applicable to transportation of the clinker.

It is alleged that the proposed transportation will minimize deadheading and provide a cost saving for both shipper and carrier, as a result of charging the lower rate. The carrier will

utilize special trailers for the transportation, which can be converted to haul either bagged cement or clinker.

The carrier has been guaranteed a volume of 10,000 tons of clinker per year. The equipment is loaded to full capacity and will be making two round trips per day on almost a full-year basis. Loading and unloading facilities permit a quick turnaround and minimize standby time. A front-end loader is used at origin and the clinker is unloaded by gravity into a grizzly. It requires about 30 minutes to load a truck and another 30 minutes to unload it. Drivers are switched at Sacramento so no one drives beyond the maximum hours allowed. It will be a 24-hour per day, 5-day a week operation.

The application includes a letter from Calaveras Cement Company which requests that the deviation be granted and advises that 10,000 tons of sacked cement will be transported annually from Redding to Union City and 10,000 tons of clinker from San Andreas, California to Redding, California.

A cost study is attached to the application which indicates that transportation at the proposed rate will be compensatory.

Copies of the application were mailed to the Bay Counties Dump Truck Association, California Carriers Association, California Dump Truck Owners Association, California Trucking Association, and the Highway Carriers Association. Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on January 21, 1988.

A protest was filed by Frank C. Alegre Trucking, Inc., on February 10, 1988. This protest was withdrawn on March 7, 1988. The staff requested additional information from the applicant which was received on March 30, 1988. The staff then recommended ex parte handling on April 7, 1988. There have been no other 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 cement clinker in dump truck type equipment from San Andreas to the Calaveras Cement Company plant located in Redding.

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

3. Loading will be performed by a front end loader and unloading by dropping the load into a grizzly.

4. Loading and unloading each require about 30 minutes. Drivers are switched at Sacramento to ensure compliance with hours of service regulations.

5. The operation will be conducted on a 24-hour day, 5-day week basis.

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

7. A protest was filed and later withdrawn.

8. The Commission staff has recommended that the application be granted without scheduling a hearing.

9. A public hearing is not necessary.

10. 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. Les Calkins 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 June 8, 1988, at Carson, 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 Weiser*  
Victor Weiser, Bureau Director

APPENDIX A

SUMMARY OF REQUESTED AUTHORIZATION  
TO DEPART FROM PROVISIONS OF  
MINIMUM RATE TARIFF 7-A

Carrier: Les Calkins Trucking, Inc.  
Commodity: Cement Clinker  
Shipper: Calaveras Cement Company  
Origin: San Andreas, California  
Destination: Redding (Grey Rock), California  
Rate: \$5.00 per ton, Minimum Weight 27 tons

Conditions:

- (a) Rate applies only as part of a round-trip movement involving the same unit of carrier's equipment. Such movement must be preceded by transportation of a full load of sacked cement transported at carrier's applicable rates named in Western Motor Tariff Bureau, Inc., Agent, Local Freight Tariff 17 (CA PUC 21).
- (b) Rate will not apply if subhaulers are used to transport any portion of the round-trip movement.
- (c) In all other respects the provisions of MRT 7-A shall apply to this transportation.

(END OF APPENDIX A)

ORDER

IT IS ORDERED that:

1. Les Calkins 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 JUN 8 1988, at San Francisco, California.

STANLEY W. HULETT  
President  
DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners