

Decision 88 09 050 SEP 28 1988

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J.C. McClinton )  
Trucking Co., a corporation, for )  
authority to deviate from the )  
otherwise applicable minimum rates )  
of limestone for Brockway Glass )  
Company Inc., pursuant to )  
Section 3666 of the California )  
Public Utilities Code. )

Application 88-06-029  
(Filed June 20, 1988;  
amended July 25, 1988)

Mailed

SEP 28 1988

OPINION

Applicant J.C. McClinton Trucking Co. seeks authority to charge less than Minimum Rate Tariff (MRT) 7-A rates for the transportation of limestone (Item 40) in bottom dump trailers from the Pfizer plant in Lucerne Valley to the plant of Brockway Glass in Pomona. The current minimum rate is \$8.38 per ton on a 24-ton minimum. Applicant proposes instead to charge \$7.43 per ton with a minimum of 26 tons.

Applicant's proposal is supported by Brockway Glass as shipper.

Applicant alleges that the costs of the operations will be low. It expects 20 loads per week. Loading facilities are available 24 hours per day, 5 days per week. Loading is by overhead equipment; and discharge is to an underground hopper.

Applicant does not plan to use subhaulers; however, if it does, they will be compensated at 100% of the deviated rate.

Notice of the amendment appeared in the Daily Transportation Calendar on July 28, 1988. No protests have been received.

Findings of Fact

1. Applicant's transportation involves unique circumstances.
2. Applicant's costs for this transportation are less than those used to set the rates in MRT 7-A.
3. The proposed rates are reasonable.
4. Under PU Code § 3666 the Commission may authorize a lesser rate than the minimum established rate for not more than one year.

Conclusions of Law

1. The application should be granted.
2. Under PU Code § 3666 the authority granted in the following order should expire in one year.
3. As rate relief is involved, the rates should be effective today.

ORDER

IT IS ORDERED that:

1. J.C. McClinton Trucking Co. 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.
3. As rate relief is involved, the rates should be effective today.

This order is effective today.

Dated SEP 28 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 Weissert*  
Victor Weissert, Executive Director

APPENDIX A

Carrier: J.C. McClinton Trucking Co.

Commodity: Limestone, Item 40.

Origin: Pfizer plant, Lucerne Valley.

Destination: Brockway Glass Co., Pomona.

Minimum Weight: 26 tons.

Rate: \$7.43 per ton.

Conditions:

Notes apply only:

1. When loaded and unloaded by gravity.
2. Any subhauler employed shall receive 100% of the deviated rate without deduction for use of carrier's trailing equipment.
3. In all other respects, the provisions of MRT 7-A apply.