

Decision 88 09 053 SEP 28 1988

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)
transportation of rock, sand, gravel,)
and related items in bulk, in dump)
truck equipment in Southern)
California as provided in Minimum)
Rate Tariff 17-A and Southern)
California Production Area and)
Delivery Zone Directory 1, and the)
revisions or reissues thereof.)

ORIGINAL

Case 9819
Petition for Modification 100
(Filed May 27, 1988)

Mailed

SEP 29 1988

OPINION

H. G. Fenton Material Company (Petitioner) has filed to request a modification of Minimum Rate Tariff 17-A (MRT 17-A) and Southern California Production Area and Delivery Zone Directory No. 1.

Petitioner is a California corporation in the business of producing, marketing, and distributing rock, sand, and gravel products employing independent carriers to haul its products to various areas in San Diego and Riverside Counties. Its Articles of Incorporation have been filed with the Commission as required by Rule No. 16.

Petitioner is operating out of a rock quarry at 2266 Willow Glen Road in San Diego County, located approximately 0.9 miles northeast of the intersection of Hillsdale Road and Willow Glen Road. Petitioner requests that zone rates be authorized from this address, which is within the boundary of Production Area 37 KK, as described in Section 6 of Directory No. 1. The zone rates will extend from the proposed production area to established delivery zones in San Diego and Riverside Counties, which are a part of the San Diego County system.

It is alleged that authorizing the imposition of zone rates will enable petitioner to compete with other rock producers who already charge the rates.

A copy of the application was served on the California Dump Truck Owners Association, Associated Independent Owner Operators, Inc., California Carriers Association, San Diego County Rock Producers Association, and the State of California Department of Transportation. The application was noticed in the Commission's Daily Calendar on June 6, 1988 and there have been no protests or requests for a hearing.

The Transportation Division has recommended that the application be granted.

Findings of Fact

1. Petitioner produces and sells rock, sand, and gravel out of its quarry in San Diego County. Independent carriers haul the rock to various areas in San Diego and Riverside Counties.

2. Petitioner is requesting authority to charge zone rates when transporting rock from its quarry, located in Production Area 37 KK as described in Section 6 of Directory 1.

3. Petitioner is now operating with difficulty since its competitors are already authorized to charge zone rates.

4. The rates adopted in the following order will result in just, reasonable, and nondiscriminatory minimum rates for the transportation involved.

5. A public hearing is not necessary.

Conclusions of Law

1. MRT 17-A should be amended to extend zone rates from the proposed production area to established delivery zones in San Diego County and adjacent zones in Riverside County, which are a part of the San Diego County system.

2. Southern California Production Area and Delivery Zone Directory 1 should be amended to accommodate the proposed production area described in Appendix A to the petition.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (MRT 17-A) (Appendix C to Decision (D.) 80578, as amended) is further amended by incorporating Original Page 8-KK and Original Page 8-KK-1, attached, to become effective 30 days after today.

2. Southern California Production Area and Delivery Zone Directory 1 (Appendix A of D.65469, as amended) is further amended by incorporating First Revised Page 252.1 and First Revised Page 252.2, attached, to become effective 30 days after today.

3. In all other respects, D.80578 and D.65469, as amended, shall remain in full force and effect.

4. The petition is granted as set forth above.

5. The Executive Director shall serve a copy of this decision on each subscriber to MRT 17-A.

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 Weisser, Executive Director

AB

SECTION 8—ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-KK
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
33201 750	37157 631	37244 656	37348 474	37398 666	37448 299	37530 226
33202 802	37158 674	37245 675	37349 485	37399 608	37449 295	37531 212
33203 781	37159 700	37246 704	37350 502	37400 598	37450 276	37532 208
33204 780	37140 670	37301 645	37351 529	37401 401	37451 258	37533 207
33205 795	37141 688	37302 675	37352 570	37402 379	37452 254	37534 197
33206 805	37142 707	37303 644	37353 548	37403 391	37453 266	37536 165
33207 827	37143 679	37304 617	37354 524	37404 372	37454 277	37537 196
33208 841	37201 685	37305 619	37355 514	37405 431	37455 559	37538 223
33209 834	37202 685	37306 648	37356 496	37406 407	37456 544	37539 244
33210 812	37203 708	37307 681	37357 496	37407 382	37457 564	37540 227
33211 810	37204 747	37308 594	37358 484	37408 361	37458 480	37541 190
33212 825	37205 751	37309 627	37359 460	37409 339	37459 492	37542 218
33213 850	37206 737	37310 601	37360 442	37410 316	37460 462	37543 208
33214 876	37207 754	37311 653	37361 460	37411 338	37461 409	37544 462
37101 808	37208 719	37312 678	37362 481	37412 373	37462 429	37545 488
37102 839	37209 683	37313 679	37363 506	37413 353	37463 539	37546 508
37103 770	37210 649	37314 674	37364 424	37414 316	37464 412	37547 528
37104 787	37211 612	37315 653	37365 440	37415 346	37467 412	37548 547
37105 828	37212 588	37316 612	37366 438	37416 333	37468 380	37549 575
37106 813	37213 564	37317 604	37367 466	37417 364	37469 367	37550 604
37107 768	37214 609	37318 587	37368 491	37418 380	37470 310	37551 626
37108 758	37215 565	37319 558	37369 515	37419 393	37501 500	37552 645
37109 733	37216 532	37320 559	37370 542	37420 393	37502 469	37553 682
37110 700	37217 524	37321 562	37371 514	37421 327	37503 493	37554 440
37111 677	37218 542	37322 597	37372 489	37422 294	37504 485	37555 491
37112 699	37219 542	37323 610	37373 488	37423 271	37505 506	37556 515
37113 728	37220 521	37324 650	37374 469	37424 299	37506 531	37559 562
37114 759	37221 736	37325 648	37375 478	37425 306	37507 506	37560 415
37115 719	37222 772	37326 633	37376 513	37426 333	37508 470	37561 407
37116 710	37223 743	37327 617	37377 540	37427 380	37509 429	37562 416
37117 728	37224 717	37328 591	37378 594	37428 405	37510 448	37563 453
37118 780	37225 688	37329 580	37379 628	37429 360	37511 433	37564 353
37119 762	37226 655	37330 566	37380 626	37430 332	37512 407	37565 394
37120 726	37227 638	37331 566	37381 688	37431 342	37513 375	37566 305
37121 723	37228 613	37332 548	37382 703	37432 329	37514 349	37567 282
37122 701	37229 639	37333 583	37383 788	37433 329	37515 349	37601 207
37123 699	37230 664	37334 565	37384 725	37434 314	37516 407	37602 172
37124 722	37231 679	37335 626	37385 704	37435 309	37517 438	37603 201
37125 739	37232 633	37336 602	37386 686	37436 274	37518 433	37604 223
37126 751	37233 593	37337 579	37387 739	37437 259	37519 413	37605 194
37127 725	37234 562	37338 547	37388 737	37438 256	37520 375	37606 219
37128 703	37235 573	37339 533	37389 718	37439 251	37521 397	37607 219
37129 672	37236 599	37340 536	37390 664	37440 277	37522 383	37608 216
37130 668	37237 605	37341 551	37391 641	37441 262	37523 324	37609 233
37131 685	37238 645	37342 521	37392 636	37442 302	37524 277	37610 238
37132 646	37239 642	37343 521	37393 638	37443 288	37525 243	37611 258
37133 655	37240 646	37344 565	37394 668	37444 325	37526 215	37612 245
37134 638	37241 616	37345 543	37395 668	37445 343	37527 237	37613 269
37135 626	37242 645	37346 514	37396 606	37446 389	37528 262	37614 298
37136 606	37243 631	37347 486	37397 628	37447 302	37529 280	37615 322

Change, Decision

88 09 053

EFFECTIVE

OCT 28 1988

Correction

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

SECTION 8--ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-KK
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37616 345	37910 212					
37617 361	37911 238					
37618 383	37912 254					
37619 413	37913 273					
37620 446	37914 254					
37621 475	37915 220					
37622 401	37916 205					
37623 426	37917 244					
37624 449	37918 285					
37625 471	37919 394					
37626 492	37920 361					
37627 511	37921 375					
37628 532	37922 365					
37629 551	37923 332					
37630 570	37924 299					
37631 591	37925 305					
37632 610	37926 288					
37633 637	37927 294					
37634 728	37928 345					
37635 710	37929 318					
37636 689	37930 300					
37801 165	37931 322					
37802 156	37932 333					
37803 164	37933 357					
37804 135	37934 338					
37805 85	37935 320					
37806 157	37940 329					
37807 113	37941 357					
37808 85	37942 265					
37809 169	37943 271					
37810 142	37944 367					
37811 142	37950 116					
37812 50	37951 141					
37813 74	37952 164					
37814 99	37953 187					
37815 127	37954 208					
37816 150	37955 233					
37817 171	37956 255					
37818 169	37957 282					
37819 197	37958 310					
37820 190	37959 331					
37901 262	37960 360					
37902 252	37961 393					
37903 244						
37904 223						
37905 201						
37906 192						
37907 203						
37908 163						
37909 190						

Change, Decision

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

SECTION 6--SAN DIEGO COUNTY PRODUCTION AREAS AND DELIVERY ZONES (Continued)

SAN DIEGO COUNTY PRODUCTION AREAS	AREA
All of the land included in Sections 33 and 34, T. 12 S., R. 1 W., SBBM.	37-E
All of the land included in Section 19, T. 15 S., R. 2 W., SBBM, lying westerly of U. S. Hwy. 395 (adjacent to Miramar NAS).	37-EE
All of the land included in Sections 35 and 36, T. 12 S., R. 1 W., SBBM.	37-F
The southeast quarter of Section 30, T. 15 S., R. 1 E., SBBM, (Generally east of Wintergardens).	37-PF
Beginning at the junction of El Camino Real and Carmel Valley Rd.; easterly along Carmel Valley Rd. to a point 7/10 of a mile easterly of said junction; south 1/2 mile; westerly along a line 1/2 mile southerly of and parallel to Carmel Valley Rd. to the easterly right-of-way of Interstate Hwy. 5; northerly along said line to its intersection with Carmel Valley Rd.; easterly along Carmel Valley Rd. to El Camino Real; northerly along El Camino Real to the point of beginning.	37-C
Beginning at the junction of Virden St. and El Monte Rd.; easterly along El Monte Rd. exactly one mile; north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of El Monte Rd. to a point north of the junction of Virden St. and Willow Rd.; south to said junction; southerly along Virden St. to the point of beginning.	37-GG
All of the land included in the southern half of Section 2, T. 15 S., R. 3 W., SBBM.	37-H
Beginning at the junction of Hillsdale Rd. and Jamacha Rd.; southerly on Jamacha Rd. to a line 1/2 mile northerly of and parallel to Willow Glen Rd.; easterly and northeasterly along said line to Hillsdale Rd.; northerly and westerly along Hillsdale Rd. to the point of beginning.	37-HH
Beginning at the junction of Jamacha Blvd. and Campo Rd.; easterly on Campo Rd. to Willow Glen Rd.; easterly on Willow Glen Rd. to Jamacha Rd.; northerly on Jamacha Rd. to Hillsdale Rd.; west 1/2 mile; southerly along a line parallel to and 1/2 mile westerly of Jamacha Rd. to a line 1/2 mile northerly of and parallel to Willow Glen Rd. and Campo Rd.; westerly along said line to a point north of the junction of Jamacha Blvd. and Campo Rd.; south to the point of beginning.	37-XX

No change on this page, Decision

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Correction

SECTION 6--SAN DIEGO COUNTY PRODUCTION AREAS AND
 DELIVERY ZONES (Continued)

SAN DIEGO COUNTY PRODUCTION AREAS	AREA
<p>Beginning at the junction of Dehesa Rd. and Vista Grande Rd.; southerly along Vista Grande Rd. to Hillsdale Rd.; easterly along Hillsdale Rd. to a line 1/2 mile northerly of and parallel to Willow Glen Rd.; northeasterly and northerly along said line to Dehesa Rd.; westerly along Dehesa Rd. to the point of beginning.</p>	37-JJ
<p>The area within 1/2 of a mile radius from a point lying 1/2 mile north of the intersection of the haul road and Willow Glen Drive.</p>	637-KK
<p>Beginning at the intersection of Prospect Ave. and Magnolia Ave.; westerly along Prospect Ave. and its continuation, Pryor Dr., to its junction with Atlas View Dr.; northerly along Atlas View Dr. to its intersection with Prospect Ave.; westerly along Prospect Ave. to a point south of the junction of Carlton Hills Blvd. and Mission Gorge Rd.; north to said junction; northerly along Carlton Hills Blvd. to Mast Blvd.; easterly along Mast Blvd. to Magnolia Ave.; southerly along Magnolia Ave. to Mast St.; westerly along Mast St. to Cottonwood Ave.; southerly along Cottonwood Ave. to (Old) Magnolia Ave.; easterly along (Old) Magnolia Ave. to Magnolia Ave.; southerly along Magnolia Ave. to the point of beginning.</p>	37-L
<p>All of the land included in the north half of Section 6, T. 15 S., R. 2 W., SBBM (Carroll Canyon).</p>	37-M
<p>Beginning at the junction of Swanson Rd. and Carmel Valley Rd.; south 1/2 mile; westerly along a line 1/2 mile southerly of and parallel to Carmel Valley Rd. to a point on said line south of a point along Carmel Valley Rd. 7/10 of a mile easterly of the junction of Carmel Valley Rd. and El Camino Real; north to said point; easterly along Carmel Valley Rd. to the point of beginning.</p>	37-MM
<p>All of the land included in the south 1/2 of Sections 34, 35 and 36, T. 14 S., R. 1 W.; Sections 2 and 3, T. 15 S., R. 1 W. as delineated by U. S. Geological Survey in 1955 on San Vicente Reservoir Quadrangle; and the north 1/2 of Sections 1, 2 and 3, T. 15 S., R. 1 W., SBBM of Rancho El Cajon had they been delineated by the U. S. Geological Survey (generally southerly and westerly of San Vicente Reservoir).</p>	37-N
<p>Parcels 15, 16, 25, 26, 35, 36, 37 and 44 of Rancho Otay (Estudillo), as shown in Map 862, filed in the Office of the San Diego County Recorder.</p>	37-NN

6 Change, Decision

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