

Decision 88 09 054 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 98
(Filed March 17, 1988)

Mailed

SEP 29 1988

OPINION

Padre Transit Mix, Inc. (petitioner) has filed to request authority to modify Minimum Rate Tariff 17-A (MRT 17-A) and Delivery Zone Directory 1 to extend the application of zone rates from petitioner's production plant in Poway, California, to all established delivery zones in the County of San Diego.

Petitioner is a California corporation operating out of Poway, California. A copy of petitioner's Articles of Incorporation is attached to the original petition on file herein as required by Rule 16 of the Commission's Rules of Practice and Procedure.

Petitioner produces, markets, and distributes rock, sand, and gravel from a commercial plant located 1.4 miles by road, south and easterly of the intersection of Creek Road and Pomerado Road in the City of Poway, San Diego County. All loading is performed by front-end loaders. Independent carriers are hired to haul the rock, sand, and gravel to delivery zones in San Diego County. Petitioner cannot charge zone rates due to the Poway location not being classified as a production area. Petitioner is operating at a disadvantage since zone rates already apply from the plants of

its competitors for the transportation of rock, gravel, and sand from quarries or other pickup points.

The proposed production area is described in Appendix A to the application along with the results of a "test traverse" (Appendix B), which determines the traverse time and distance between the described production area and the intersection of Creek Road and Pomerado Road.

A copy of the petition was served on the California Asphalt Pavement Association, California Carriers Association, California Trucking Association, Nelson & Sloan, Southern California Rock Products Association, V. R. Dennis Construction Co., Associated Independent Owner Operators, Inc., California Dump Truck Owners Association, H. G. Fenton Material Co., Sim J. Harris Co., and South Coast Asphalt Products Co. The application was noticed in the Commission's Daily Calendar on March 23, 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 has filed to extend the application of zone rates to its production plant in Poway, California.
2. A grant of authority will enable petitioner to compete on an equal basis with other operators who already receive transportation at zone rates.
3. The rates adopted in the following order will result in just, reasonable, and nondiscriminatory minimum rates for the transportation involved.
4. A public hearing is not necessary.

Conclusions of Law

1. The petition should be granted to the extent provided in the following order.

2. The effective date of this order should be today because there is an immediate need for the rate relief.

ORDER

IT IS ORDERED that:

1. Minimum Rate Tariff (MRT) 17-A (Appendix C to Decision (D.) 80578, as amended) is further amended by incorporating Original Page 8-UU and Original Page 8-UU-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 Fourth Revised Page 252.3 and Fourth Revised Page 252.4, attached, to become effective 30 days after today.

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

4. The petition is granted as set forth above.

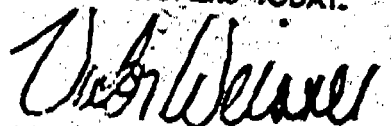
5. The Executive Director shall serve a copy of this decision on each subscriber to MRT 17-A.

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

BB

SECTION 8--ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

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

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
30066 916	37117 520	37224 456	37328 430	37374 335	37428 345	37510 305
30067 947	37118 532	37225 427	37329 440	37379 368	37429 307	37511 289
30068 916	37119 502	37226 394	37330 437	37380 367	37430 321	37512 263
30069 874	37120 467	37227 379	37331 419	37381 427	37431 288	37513 232
30070 876	37121 464	37228 353	37332 420	37382 444	37432 306	37514 205
30071 907	37122 441	37229 379	37333 390	37383 528	37433 280	37515 163
30093 904	37123 440	37230 405	37334 372	37384 466	37434 248	37516 179
30094 876	37124 463	37231 420	37335 367	37385 445	37435 248	37517 141
30095 860	37125 480	37232 373	37336 343	37386 427	37436 248	37518 165
30096 867	37126 491	37233 333	37337 318	37387 478	37437 218	37519 113
30097 808	37127 466	37234 303	37338 288	37388 489	37438 240	37520 105
30098 785	37128 444	37235 313	37339 274	37389 470	37439 249	37521 96
30099 832	37129 413	37236 340	37340 277	37390 448	37440 262	37522 134
30100 796	37130 409	37237 346	37341 292	37391 488	37441 256	37523 200
30101 761	37131 426	37238 384	37342 262	37392 463	37442 273	37524 236
30102 744	37132 426	37239 383	37343 260	37393 444	37443 277	37525 281
30103 762	37133 514	37240 387	37344 305	37394 444	37444 316	37526 347
30116 711	37134 497	37241 357	37345 347	37395 423	37445 360	37527 327
30117 683	37135 485	37242 386	37346 372	37396 413	37446 405	37528 309
30118 664	37136 466	37243 371	37347 373	37397 389	37447 325	37529 278
33201 491	37137 491	37244 397	37348 361	37398 412	37448 298	37530 256
33202 543	37138 533	37245 416	37349 371	37399 349	37449 295	37531 295
33203 522	37139 486	37246 444	37350 389	37400 378	37450 271	37532 320
33204 520	37140 463	37301 386	37351 376	37401 287	37451 267	37533 358
33205 536	37141 474	37302 416	37352 332	37402 265	37452 287	37534 347
33206 546	37142 446	37303 384	37353 376	37403 269	37453 298	37536 306
33207 568	37143 420	37304 358	37354 395	37404 249	37454 329	37537 298
33208 580	37201 426	37305 360	37355 401	37405 171	37455 387	37538 274
33209 573	37202 426	37306 389	37356 382	37406 164	37456 398	37539 267
33210 551	37203 449	37307 420	37357 382	37407 141	37457 367	37540 288
33211 551	37204 488	37308 453	37358 369	37408 141	37458 365	37541 305
33212 566	37205 492	37309 467	37359 347	37409 156	37459 378	37542 324
33213 590	37206 477	37310 446	37360 328	37410 161	37460 347	37543 305
33214 617	37207 493	37311 464	37361 346	37411 186	37461 295	37544 318
37101 668	37208 460	37312 437	37362 360	37412 197	37462 314	37545 345
37102 699	37209 424	37313 420	37363 346	37413 214	37463 408	37546 365
37103 630	37210 390	37314 415	37364 311	37414 240	37464 169	37547 384
37104 646	37211 353	37315 394	37365 327	37415 232	37467 169	37548 405
37105 688	37212 329	37316 351	37366 325	37416 247	37468 181	37549 431
37106 672	37213 305	37317 343	37367 353	37417 255	37469 223	37550 462
37107 627	37214 350	37318 327	37368 340	37418 280	37470 207	37551 482
37108 617	37215 305	37319 299	37369 314	37419 306	37501 241	37552 503
37109 593	37216 273	37320 300	37370 282	37420 306	37502 209	37553 539
37110 559	37217 265	37321 303	37371 254	37421 245	37503 234	37554 296
37111 536	37218 282	37322 338	37372 230	37422 189	37504 276	37555 347
37112 558	37219 282	37323 350	37373 229	37423 201	37505 245	37556 372
37113 588	37220 262	37324 391	37374 208	37424 211	37506 271	37559 303
37114 615	37221 475	37325 347	37375 219	37425 233	37507 303	37560 136
37115 573	37222 511	37326 373	37376 254	37426 265	37508 327	37561 132
37116 551	37223 484	37327 404	37377 281	37427 321	37509 245	37562 123

Change, Decision

88 09 054

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-UU
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37563 187	37810 368	37944 480				
37564 128	37811 394	37950 386				
37565 90	37812 422	37951 412				
37566 223	37813 446	37952 434				
37567 230	37814 463	37953 459				
37601 329	37815 441	37954 480				
37602 354	37816 418	37955 503				
37603 333	37817 394	37956 525				
37604 313	37818 426	37957 554				
37605 346	37819 395	37958 582				
37606 351	37820 375	37959 601				
37607 383	37901 321	37960 630				
37608 394	37902 316	37961 664				
37609 411	37903 307					
37610 325	37904 313					
37611 345	37905 318					
37612 424	37906 358					
37613 446	37907 349					
37614 475	37908 372					
37615 500	37909 372					
37616 522	37910 351					
37617 539	37911 324					
37618 562	37912 329					
37619 591	37913 336					
37620 626	37914 357					
37621 653	37915 358					
37622 579	37916 372					
37623 604	37917 367					
37624 628	37918 380					
37625 650	37919 457					
37626 670	37920 423					
37627 689	37921 438					
37628 710	37922 459					
37629 729	37923 426					
37630 750	37924 393					
37631 769	37925 397					
37632 788	37926 401					
37633 814	37927 407					
37634 584	37928 457					
37635 566	37929 430					
37636 546	37930 413					
37801 367	37931 416					
37802 379	37932 427					
37803 347	37933 449					
37804 391	37934 431					
37805 405	37935 433					
37806 358	37940 441					
37807 371	37941 469					
37808 395	37942 393					
37809 351	37943 418					

Change, Decision

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Correction

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
<p>Beginning at the intersection of Rancho Fanita Dr. and Mission Gorge Rd.; west on Mission Gorge Rd. and Fr. Junipero Serra Rd. a distance of 1-1/2 miles (vicinity of Old Mission Dam); north to the San Diego River; easterly along the San Diego River to a point where the northerly extension of Rancho Fanita Dr. intersects the San Diego River; southerly on said extension to the point of beginning.</p>	37-0
<p>All of the land included in the northwest quarter of the northwest quarter of Section 2, T. 19 S., R. 2 W., SBBM (westerly side of Dairy Mart Rd., southerly of the Tia Juana River).</p>	37-00
<p>Beginning at the junction of Riverford Rd. and Woodside Ave.; southwesterly along Woodside Ave. to Magnolia Ave.; northerly along Magnolia Ave. to (Old) Magnolia Ave.; westerly along (Old) Magnolia Ave. to Cottonwood Ave.; northerly along Cottonwood Ave. to Mast St.; easterly along Mast St. to Magnolia Ave.; northerly along Magnolia Ave. to El Nopal; easterly along El Nopal to Riverford Rd.; southerly along Riverford Rd. to the point of beginning.</p>	37-P
<p>All of the land included in the northeast quarter of Section 2, T. 19 S., R. 2 W., SBBM, lying southwesterly of Interstate Hwy. 5 (near Cottonwood Rd. and adjacent to and astride the Tia Juana River).</p>	37-PP
<p>Beginning at the junction of Cherry Rd. and Westhill Rd.; southwesterly and westerly along Cherry Rd. to Golden Ridge Rd.; southwesterly along Golden Ridge Rd. to its junction with Jessica Ln.; westerly along a direct line to a point southeast of the junction of Shadowhill Rd. and Meadow Terrace Dr.; northwest to said junction; northwesterly along Shadowhill Rd. to Woodside Ave.; northeasterly and easterly along Woodside Avenue to Marilla Dr.; southerly along Marilla Dr. to Westhill Rd.; southerly along Westhill Rd. to the point of beginning.</p>	37-0
<p>All points northerly of Highland Valley Rd. and within a one-mile radius of the intersection of said Highland Valley Rd. and an unnamed road leading northerly from Highland Valley Rd. approximately 2.7 miles easterly of Pomerado Rd. This area is in the vicinity of the upper end of Lake Hodges.</p>	37-00
<p>Beginning at the intersection of Lakeside Ave. and State Hwy. 67; southerly along State Hwy. 67 to Woodside Ave.; westerly along Woodside Ave. to Riverford Rd.; northerly along Riverford Rd. to Riverside Dr.; easterly along Riverside Dr. to Lakeside Ave.; easterly along Lakeside Ave. to the point of beginning.</p>	37-R
<p>All points southerly of Dehesa Rd. and within a one-mile radius of the intersection of Dehesa Rd. and the private road leading to the Consolidated Rock Company production plant approximately 1.2 miles east of the intersection of Willow Glen and Dehesa Rd. in San Diego County.</p>	37-RR
<p>Beginning at the junction of Willow Rd. and Virden St.; southerly along Virden St. to El Monte Rd.; southerly along El Monte Rd. and Julian Ave. to Lake Jennings Park Rd.; westerly along Lake Jennings Park Rd. and Maple View St. to State Hwy. 67; northerly along State Hwy. 67 to Morena Ave.; northeasterly along Morena Ave. to Willow Rd.; easterly along Willow Rd. to the point of beginning.</p>	37-S
<p>All of the land included in the northeast quarter of Section 32, Township 9 South, Range 2 West, San Bernardino Base and Meridian (generally westerly of Pala Mission).</p>	37-SS

No change on this page, Decision **88 09 054**

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 SAN FRANCISCO, CALIFORNIA.

Correction

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

AREA	SAN DIEGO COUNTY PRODUCTION AREAS
37-T	Beginning at the intersection of Friars Rd. and Murphy Canyon Rd.; northerly along Murphy Canyon Rd. to Aero Dr.; westerly along Aero Dr. to Marathon Dr.; southerly along Marathon Dr. to Fermi Ave.; westerly along Fermi Ave. to Mission Village Dr.; southerly along Mission Village Dr. to Friars Rd.; easterly along Friars Rd. to the point of beginning.
37-TT	The area within a 5/8 of a mile radius of the southwestern prolongation of Sycamore Avenue, and the westerly prolongation of La Mirada Drive.
37-U	Beginning at a point on Mission Gorge Rd. 500 ft. easterly of the junction of Mission Gorge Rd. and Conestoga Wy.; due north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of Mission Gorge Rd. to a point exactly 1/2 mile north of a point on Mission Gorge Rd. 1 mile westerly of the junction of Mission Gorge Rd. and Conestoga Wy.; southerly along said line to Mission Gorge Rd.; easterly along Mission Gorge Rd. to the point of beginning.
*37-UU	That portion of the N. E. quarter of Section 25 lying north of Beeler Canyon Road and that portion of the easterly 545 feet of the S. E. quarter of the N. W. quarter of Section 25 lying northerly of Beeler Canyon Road located in T. 14 S. R. 2 W. SBBM.
37-V	Beginning at a point on Mission Gorge Rd. 500 ft. easterly of the junction of Mission Gorge Rd. and Conestoga Wy.; due north 1/2 mile; easterly along a line parallel to and 1/2 mile northerly of Mission Gorge Rd. to Fr. Junipero Serra Rd.; southerly along Fr. Junipero Serra Rd. to Mission Gorge Rd.; westerly along Mission Gorge Rd. to the point of beginning.
37-W	Beginning at the intersection of U.S. Hwy. 395 and the San Diego River; northerly along U.S. Hwy. 395 to Genesee Ave.; easterly along Genesee Ave. and its easterly extension to Interstate Hwy. 805; southerly along Interstate Hwy. 805 to the San Diego River; westerly along the San Diego River to the point of beginning.
37-X	Beginning at the intersection of Murphy Canyon Rd. and the San Diego River; northerly along Murphy Canyon Rd. to Friars Rd.; westerly along Friars Rd. to Mission Village Rd.; northerly along Mission Village Rd. to Irvington Rd.; westerly along Irvington Rd. and its westerly extension to Interstate Hwy. 805; southerly along Interstate Hwy. 805 to the San Diego River; easterly along the San Diego River to the point of beginning.
37-Y	Beginning at the intersection of Twain Ave. and Mission Gorge Rd.; westerly along Twain Ave. to the San Diego River; northerly and northeasterly along the San Diego River to Zion Ave.; easterly along Zion Ave. to Mission Gorge Rd.; southerly along Mission Gorge Rd. to the point of beginning.
37-Z	Beginning at a point on El Monte Rd. exactly 1 mile easterly of Virden St.; easterly along El Monte Rd. to the entrance to El Monte Park; north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of El Monte Rd. to a point 1/2 mile north of a point on El Monte Rd. exactly 1 mile easterly of Virden St.; south 1/2 mile to the point of beginning.

* Addition, Decision

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SAN FRANCISCO, CALIFORNIA.

Correction