

Decision SS 10 012 OCT 14 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mailed

Application of Dalton Trucking,)
Inc., a California Corporation for)
authority to deviate from the)
otherwise applicable minimum rates)
in the transportation of cement)
clinker for Mitsubishi Cement.)

Application 88-06-057)
(Filed June 30, 1988))
OCT 14 1988

OPINION

Dalton Trucking, Inc. (applicant) requests authority to deviate from Minimum Rate Tariff (MRT) 7-A for the transportation of cement clinker in dump truck type equipment from Southwestern Cement's Black Mountain facility to Mitsubishi Cement Corporation at Cushenbury, Monday through Friday, at a rate of \$3.90 per ton. The current MRT 7-A rate for said movement is \$4.21 per ton, which applicant will charge for weekend service. The one-way movement will be 36.5 miles. Applicant expects that the transportation will involve a minimum of approximately 50,000 tons per year.

Applicant has requested that a minimum 24-ton payload be authorized so its truck and transfer fleet can be used to perform the transportation. The trucks cannot haul a 27.5 ton payload, which is possible with a bottom dump vehicle.

Loading will be performed by a front-end loader furnished without cost to applicant or by applicant's vehicles driving under a hopper with a clam feeder which is operated by the driver pulling a handle. Loading facilities are available at least 5 days a week, 24 hours per day.

Unloading will be performed by applicant's vehicle driving over a hopper which stacks the material, or by dumping the load as the vehicle moves along the ground. The unloading facilities are available at least 5 days per week, 24 hours per day.

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

In the event of loading or unloading delays beyond a combined total of 60 minutes, applicant will charge Mitsubishi Cement Corporation at a rate of \$20.00 per hour or portion thereof.

Mitsubishi Cement Corporation has provided a letter which supports the application.

Applicant will also not be engaging underlying carriers (subhauliers) to perform this service.

Appendix A, attached to the application, is a cost study with respect to the subject transportation. The cost study indicates that the transportation at the proposed rates will be compensatory.

The Transportation Division has recommended that the application be granted.

Applicant has served copies of the application on the California Carriers Association, Associated Independent Owner Operators, California Dump Truck Owners Association, and the California Trucking Association in West Sacramento. Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on July 6, 1988. No protests to the granting of the application or requests for a hearing 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 cement clinker in dump truck type equipment from Southwestern Cement's Black Mountain facility to Mitsubishi Cement Corporation at Cushenbury.

2. It is estimated that applicant will be tendered 50,000 tons of cement per year.

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 depositing the load on the ground as the vehicle moves forward.

5. Loading and unloading facilities are available at least 5 days per week, 24 hours a day.

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

7. If loading or unloading is delayed beyond a combined total of 60 minutes, applicant will charge Mitsubishi Cement Corporation at a rate of \$20.00 per hour or portion thereof.

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

9. Applicant has stated that subhaulers will not be engaged.

10. No protests have been received.

11. A public hearing is not necessary.

12. The proposed rate is reasonable.

Conclusions of Law

1. The application should be granted to the extent set forth in the following order.

2. The 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. Dalton 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 OCT 14 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, Executive Director
JB

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Cement Clinker.

Origin: Southwestern Cement's Black Mountain facility.

Destination: Mitsubishi Cement Corporation, Cushenbury.

Rate: \$3.90 per ton, with \$4.21 per ton for weekend service.

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. In the event of loading or unloading delays beyond a combined total of 60 minutes, applicant will charge Mitsubishi Cement Corporation at a rate of \$20.00 per hour or portion thereof.

(END OF APPENDIX A)