

Decision 88 10 013 OCT 14 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Mailed

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.)

OCT 17 1988

Case 9819
Petition for Modification 101
(Filed May 27, 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, Orange, and Riverside Counties. Its Articles of Incorporation have been filed with the Commission as required by Rule No. 16 of the Commission's Rules of Practice and Procedure.

Petitioner is operating out of its facility located at 2794 Harmony Grove Road in San Diego County (approximately at the intersection of Harmony Grove Road and County Club Drive). Petitioner requests that zone rates be authorized from this address, which is within Production Area 73779, to established delivery zones in San Diego County, adjacent zones in Riverside County (Rancho California area), and adjacent zones in Orange County, all within the San Diego zone system.

Test traverses were made in compliance with Commission procedure, and it was determined that it is 1.1 miles to the nearest existing traverse network node (73761), with a running time of seven minutes. A description of the proposed delivery area and the tie-in data on the traverses is provided in appendixes attached to the petition.

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 filing of the application was noted 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, Orange, and Riverside Counties.
2. Petitioner is requesting authority to establish zone rates for transportation of rock products from its quarry, located in San Diego County within Production Area 73779.
3. Petitioner is now operating with difficulty since its competitors already have zone rates available to them.
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, Orange, and Riverside Counties.
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.

ORDER

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-VV and Original Page 8-VV-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 Fifth Revised Page 252.3 and Fifth 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 Executive Director shall serve a copy of this decision on each subscriber to MRT 17-A.

5. The petition is granted as set forth above.

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 Weissor, Executive Director

JS

SECTION 8—ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

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

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
30066 773	37117 375	37224 349	37328 287	37378 192	37428 460	37510 328
30067 803	37118 402	37225 320	37329 296	37379 226	37429 423	37511 345
30068 773	37119 373	37226 287	37330 294	37380 237	37430 437	37512 358
30069 730	37120 338	37227 270	37331 276	37381 299	37431 404	37513 350
30070 733	37121 336	37228 245	37332 277	37382 316	37432 422	37514 324
30071 763	37122 313	37229 271	37333 247	37383 400	37433 395	37515 281
30093 759	37123 311	37230 296	37334 229	37384 338	37434 364	37516 226
30094 732	37124 335	37231 313	37335 223	37385 317	37435 364	37517 192
30095 717	37125 350	37232 266	37336 200	37386 299	37436 365	37518 172
30096 723	37126 362	37233 225	37337 175	37387 350	37437 333	37519 219
30097 663	37127 338	37234 175	37338 145	37388 361	37438 356	37520 240
30098 642	37128 316	37235 185	37339 131	37389 392	37439 365	37521 244
30099 689	37129 285	37236 212	37340 149	37390 345	37440 379	37522 256
30100 653	37130 280	37237 218	37341 164	37391 343	37441 373	37523 318
30101 617	37131 298	37238 256	37342 119	37392 320	37442 389	37524 353
30102 601	37132 298	37239 255	37343 127	37393 300	37443 393	37525 400
30103 619	37133 371	37240 258	37344 161	37394 300	37444 431	37526 464
30116 568	37134 354	37241 227	37345 204	37395 278	37445 475	37527 444
30117 540	37135 342	37242 258	37346 227	37396 270	37446 521	37528 424
30118 521	37136 322	37243 263	37347 256	37397 245	37447 442	37529 394
33201 361	37137 347	37244 281	37348 276	37398 267	37448 415	37530 372
33202 415	37138 390	37245 288	37349 260	37399 205	37449 411	37531 412
33203 394	37139 342	37246 316	37350 251	37400 233	37450 387	37532 435
33204 391	37140 320	37301 258	37351 233	37401 338	37451 383	37533 477
33205 408	37141 331	37302 288	37352 189	37402 356	37452 402	37534 463
33206 418	37142 318	37303 256	37353 233	37403 384	37453 413	37536 422
33207 440	37143 292	37304 230	37354 252	37404 364	37454 445	37537 413
33208 452	37201 296	37305 232	37355 276	37405 167	37455 243	37538 391
33209 445	37202 298	37306 260	37356 284	37406 194	37456 255	37539 383
33210 423	37203 321	37307 292	37357 270	37407 223	37457 223	37540 405
33211 423	37204 360	37308 310	37358 302	37408 247	37458 262	37541 420
33212 438	37205 384	37309 324	37359 299	37409 262	37459 288	37542 441
33213 462	37206 369	37310 303	37360 302	37410 277	37460 306	37543 422
33214 488	37207 386	37311 321	37361 273	37411 303	37461 327	37544 371
37101 524	37208 353	37312 294	37362 240	37412 333	37462 376	37545 397
37102 555	37209 317	37313 291	37363 227	37413 329	37463 265	37546 416
37103 486	37210 282	37314 271	37364 299	37414 356	37466 277	37547 437
37104 503	37211 244	37315 266	37365 284	37415 347	37467 277	37548 454
37105 544	37212 220	37316 223	37366 278	37416 362	37468 288	37549 484
37106 529	37213 196	37317 215	37367 247	37417 371	37469 329	37550 513
37107 484	37214 222	37318 198	37368 220	37418 397	37470 322	37551 535
37108 474	37215 176	37319 171	37369 194	37419 422	37501 142	37552 554
37109 449	37216 143	37320 171	37370 163	37420 422	37502 157	37553 591
37110 416	37217 135	37321 160	37371 135	37421 361	37503 182	37554 372
37111 393	37218 169	37322 194	37372 119	37422 305	37504 175	37555 422
37112 415	37219 182	37323 207	37373 110	37423 317	37505 194	37556 448
37113 444	37220 175	37324 248	37374 128	37424 327	37506 220	37559 241
37114 471	37221 347	37325 244	37375 145	37425 350	37507 252	37560 209
37115 430	37222 383	37326 230	37376 77	37426 382	37508 287	37561 232
37116 408	37223 356	37327 259	37377 52	37427 437	37509 338	37562 236

Change, Decision

EFFECTIVE

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-VV
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37563 192	37810 484	37944 595				
37564 282	37811 510	37950 502				
37565 266	37812 537	37951 528				
37566 339	37813 564	37952 551				
37567 346	37814 582	37953 575				
37601 448	37815 559	37954 595				
37602 473	37816 536	37955 620				
37603 452	37817 513	37956 642				
37604 431	37818 544	37957 670				
37605 463	37819 513	37958 697				
37606 470	37820 493	37959 717				
37607 502	37901 438	37960 745				
37608 513	37902 431	37961 780				
37609 529	37903 423					
37610 444	37904 429					
37611 463	37905 435					
37612 542	37906 474					
37613 565	37907 466					
37614 594	37908 480					
37615 619	37909 488					
37616 641	37910 467					
37617 657	37911 440					
37618 679	37912 446					
37619 710	37913 452					
37620 743	37914 473					
37621 772	37915 475					
37622 697	37916 488					
37623 721	37917 482					
37624 745	37918 496					
37625 768	37919 573					
37626 788	37920 539					
37627 808	37921 554					
37628 828	37922 575					
37629 847	37923 542					
37630 867	37924 508					
37631 887	37925 514					
37632 907	37926 517					
37633 933	37927 522					
37634 635	37928 573					
37635 617	37929 546					
37636 598	37930 529					
37801 482	37931 533					
37802 496	37932 543					
37803 463	37933 565					
37804 508	37934 548					
37805 521	37935 548					
37806 474	37940 557					
37807 488	37941 584					
37808 511	37942 508					
37809 469	37943 533					

Change, Decision

EFFECTIVE

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-Q
<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-Q0
<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

EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 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-VV	The east 30 acres of the north 1/2 of Lot 4, and the northerly 360 feet of the easterly 605 feet of the south 1/2 of Lot 4 in Section 30 T. 12 S. R. 2 W. SBBM.
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

EFFECTIVE

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

Correction