

Decision 88 10 048

OCT 26 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 silica )  
 sand and crushed limestone in bulk )  
 for Brockway Glass. )

OCT 26 1988

Application 88-07-014  
(Filed July 11, 1988)

OPINION

Dalton Trucking, Inc. (applicant) is a California corporation located in Fontana. A certified copy of its Articles of Incorporation is in Commission Transportation File T-98,782. Applicant operates as a dump truck carrier, highway contract carrier, highway common carrier, heavy-specialized carrier, certificated cement common carrier, and an agricultural carrier.

Applicant is applying for authority to deviate from the minimum rates in Minimum Rate Tariff (MRT) 7-A on the transportation of:

- a. Silica sand in bulk from the U.S. Silica Plant in Oceanside to Brockway Glass in Pomona at a rate of \$6.70 per ton, a distance of 84.5 miles one way.
- b. Crushed limestone in bulk from the Pfizer plant in Lucerne Valley to Brockway Glass in Pomona at a rate of \$7.20 per ton, a distance of 83.0 miles one way. Vehicles will move at an estimated speed of 42 miles an hour. Current PUC minimum rates as listed in MRT 7-A, Item 320 for distances between 80 and 85 miles is currently \$8.36 per ton.

Applicant expects to transport 50,000 tons per year from Oceanside and 5,000 tons per year from Lucerne Valley.

Loading will be performed by the shipper using overhead hoppers at no cost to applicant. Scales will be provided at the loading site without charge. Loading facilities are available at least 5 days a week, 12 hours per day. Unloading is provided by direct discharge over a grizzly hopper which then stacks the material in a stockpile. Unloading facilities are available at least 5 days per week between 4:00 a.m. and 3:00 p.m. In the event of loading or unloading delays beyond a combined total of 60 minutes, applicant will charge Brockway Glass at a rate of \$20 per hour or portion thereof.

Underlying carriers (subhaulers) will not be used to perform this transportation.

Applicant will expand its fleet of covered dome hoppers and tractors by 3 units if this application is granted. Applicant has included in an appendix a payload figure well below that which a covered dome trailer set can handle to assure the Commission that even at the lower figure the rates are compensatory. Appendixes attached to the application include applicant's balance sheet and profit and loss statement, along with cost studies on each of the two routes.

The shipper provided a letter in support of the application.

Copies of the application were mailed to California Carriers Association, Associated Independent Owner Operations, California Dump Truck Owners Association, and the California Trucking Association. Notice of the filing of the application appeared in the Commission's Daily Calendar on July 13, 1988. There have been no protests or requests for a hearing.

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 silica sand from Oceanside to Pomona and crushed limestone from Lucerne to Pomona.

2. Applicant will be transporting 50,000 tons per year from Oceanside and 5,000 tons per year from Lucerne.

3. Loading will be performed by the shipper at no cost to applicant.

4. Loading facilities are available 5 days per week, 12 hours per day.

5. Scales will be provided at both loading sites without charge.

6. Unloading is performed by direct discharge over a hopper, which then stacks the material.

7. Unloading facilities are available at least five days a week between 4:00 a.m. and 3:00 p.m.

8. In the event of loading or unloading delays beyond a combined total of 60 minutes, applicant will charge Brockway Glass at a rate of \$20 per hour, or portion thereof.

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

10. Applicant has stated that subhaulers will not be used.

11. No protests have been received.

12. A public hearing is not necessary.

13. The proposed rate is reasonable.

#### Conclusions of Law

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

2. Since there is an immediate need for the sought relief, the effective date of this order should be today.

3. This authority should expire in one year.

ORDER

IT IS ORDERED that:

1. Dalton Trucking, Inc. is authorized to depart from the provisions of MRT 7-A to the extent set forth in Appendix A attached.
2. The authority granted shall expire one year after the effective date of this order.
3. In all other respects, the provisions of MRT 7-A shall apply.


This order is effective today.

Dated OCT 26 1988, at San Francisco, California.

STANLEY W. HULETT  
President  
DONALD VIAL  
FREDERICK R. DUDA  
JOHN B. OHEANIAN  
Commissioners

Commissioner G. Mitchell Wilk  
being necessarily absent, did  
not participate.

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Victor Weissar, Executive Director  
DP

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Silica sand in bulk.

Origin: U.S. Silica Plant, Oceanside.

Destination: Brockway Glass, Pomona.

Rate: \$6.80 per ton.

Minimum Weight: 24 tons.

Commodity: Crushed limestone in bulk.

Origin: Pfizer Plant, Lucerne Valley.

Destination: Brockway Glass, Pomona.

Rate: \$7.20 per ton.

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. A maximum of 60 minutes will be allowed for loading and unloading combined. If delays occur requiring a combined time greater than 60 minutes, the shipper will be charged at a rate of \$20 per hour or portion thereof.

(END OF APPENDIX A)