

Decision 88 10 049

OCT 26 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
 Leroy R. Harrington, an individual)
 doing business as Antelope Valley)
 Trucking Co. (CAL T-72446) for)
 authority to depart from the rates,)
 rules and regulations of Minimum)
 Rate Tariff 7-A for the transporta-)
 tion of sand, in bulk, in dump truck)
 equipment, for Gordon Sand Company)
 under provisions of Section 3666 of)
 the Public Utilities Code.)

Mailed

OCT 25 1988

Application 88-07-004
 (Filed July 5, 1988;
 amended July 25, 1988)

O P I N I O N

Leroy R. Harrington (applicant) is an individual doing business as Antelope Valley Trucking Co. in Palmdale, California. Applicant has a dump truck carrier permit authorizing operation throughout California (CAL T-72446), in addition to permits authorizing highway contract carriage, agricultural carriage, and heavy-specialized carriage. Applicant is also certificated to operate as a highway common carrier and a cement carrier.

Applicant has applied for authority to deviate from the minimum rates in Minimum Rate Tariff (MRT) 7-A for the transportation of sand in bulk, in dump trucks, from the facilities of RMC Lone Star located at Marina, California, to the facilities of Gordon Sand Company located at Compton, California, at a rate of \$16.50 per ton subject to a minimum weight of 25 tons per unit of equipment. Shipments are transported 334 actual highway miles from origin to destination at a tariff rate of \$28.38 per ton, plus a 2.2% surcharge. The surcharge is provided in Supplement 28 to MRT 7-A. The minimum tariff weight allowed is 24 tons.

The deviated rate will be applied only to shipments immediately preceded by a truckload shipment in the same unit of

equipment which has transported a north-bound shipment to a point located in the Counties of Alameda, Contra Costa, Fresno, San Mateo, Santa Clara, or Solano.

Gordon Sand Company has provided a letter in support of the application, which indicates that applicant will receive two shipments of sand per day.

Applicant currently moves the traffic at a deviated rate of \$18.15 per ton (authorized by Decision 87-08-041 in A.87-01-011) and has applied for an additional reduction of the rate. Applicant will be transporting two loads per day and the movement will be coordinated with current movements of bulk chemicals from the Trona area, Los Angeles, and points in Southern California, Nevada, and Arizona, to Northern and Central California.

Loading and unloading facilities have been developed to expedite applicant's operation. Consignor's facilities at Marina are normally open for loading from 16 to 24 hours a day. Loading is accomplished by gravity and clean-out and loading is completed within an hour. There is a scale at the loading gate.

Unloading is available 21 hours per day, at Compton, Monday through Friday, and a half day on Saturday. Unloading takes about one hour and is accomplished by gravity. Applicant's vehicles are pneumatic and can unload sand by gravity without the use of a pump.

Appendixes attached to the application include applicant's balance sheet and profit and loss statement and a cost study which indicates that the proposed transportation will be profitable at an operating ratio of 92.20%.

Applicant will not hire underlying carriers to perform this service.

The Transportation Division has recommended that the application be granted.

Copies of the application were mailed to the California Trucking Association in West Sacramento, the California Dump Truck

Owners Association, and the California Carriers's Association. The filing of the application was noted on the Commission's Daily Calendar on July 8, 1988. There have been no protests or requests for 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 sand, in bulk, from RMC Lone Star at Marina, California, to Gordon Sand Company, at Compton, California.
2. Applicant will be tendered two loads of sand per day.
3. Loading is by gravity and facilities are available from 16 to 24 hours per day.
4. Unloading is by gravity and facilities are open 21 hours per day, Monday through Friday, and a half day on Saturday.
5. A scale is available at the loading point for the use of the consignor.
6. Loading and unloading can each be completed in less than one hour.
7. Applicant's vehicles are pneumatic and can unload sand by gravity without the use of a pump.
8. Cost data submitted with the application indicate that the transportation at the proposed rate will be compensatory.
9. Applicant has stated that subhaulers will not be used.
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. This 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. Leroy R. Harrington 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.

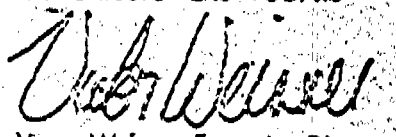
This order is effective today.

Dated OCT 26 1988, at San Francisco, California.

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

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

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


Victor Weisner, Executive Director
so

APPENDIX A

Carrier: Leroy R. Harrington, doing business as Antelope Valley Trucking Co.

Commodity: Sand.

Rate: \$16.50 per ton. Not subject to surcharge.

Minimum Weight: 25 tons.

Origin: RMC Lone Star (formerly Lone Star Industries) Marina, California.

Destination: Gordon Sand Company, Compton, California.

Conditions:

1. Rate applies only to shipments immediately preceded by a truckload shipment in the same unit of equipment which has transported a northbound shipment to a point located in the counties of Alameda, Contra Costa, Fresno, San Mateo, Santa Clara, or Solano.
2. If subhaulers are employed, they will be paid 100% of the authorized rate.
3. In all other respects, the provisions of Minimum Rate Tariff 7-A shall apply.

(END OF APPENDIX A)