

Decision 88 12 011 DEC 9 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Renewal Application of APEX BULK)
COMMODITIES for authority to deviate)
from the otherwise applicable)
minimum rates for the transportation)
of bulk gypsum for the account of)
Southwestern Portland Cement Co.)

ORIGINAL

Application 88-08-044
(Filed August 23, 1988)

Mailed

DEC 9 1988

OPINION

Apex Bulk Commodities (applicant) is a California corporation operating out of Whittier, California. A copy of its Articles of Incorporation is on file with the Commission in folder Cal. T-146,226.

Applicant has applied for reinstatement and continuation of authority to deviate from minimum rates for the transportation of bulk gypsum in dump truck equipment between U.S. Gypsum Co., Plaster City, California, and Southwestern Portland Cement Co., in Victorville. The rate proposed is \$12.50 per ton, with a 24-ton minimum weight per unit of equipment. This authority was originally granted by Decision 85-07-098, dated July 24, 1985, in Application 85-03-044, and has been renewed annually since the original authorization.

The facts which justified the original grant of authority continue to exist and a letter from the shipper, which supports the application, has been placed in the file.

Cost justification for the proposed transportation is summarized in appendices attached to the application. The cost studies indicate that the transportation will be compensatory.

Applicant will not employ subhaulers to perform the transportation.

The Transportation Division staff has advised that it has reviewed the application and believes it is one which, in the absence of protest, may be granted by ex parte order.

Copies of the application were mailed to the California Trucking Association in West Sacramento, and to the California Dump Truck Owners Association in Upland, California. Notice of the filing of the application appeared in the Commission's Daily Calendar on August 25, 1988. No protests or requests for hearing have been received.

Findings of Fact

1. Applicant has applied for authority to deviate from the minimum rates in Minimum Rate Tariff (MRT) 7-A when transporting bulk gypsum, in dump trucks, from U.S. Gypsum Co. in Plaster City, to Southwestern Portland Cement Co., in Victorville.
2. Applicant seeks to have its authority extended for an additional year. The authority was initially granted in 1985 and has been renewed every year since it was received.
3. Cost data submitted with the application indicate that transportation at the proposed rate will be compensatory.
4. Applicant has stated that subhaulers will not be employed.
5. No protests have been received.
6. A public hearing is not necessary.
7. 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 relief, the effective date of the order should be today.
3. Since transportation conditions may change, this authority should expire in one year.

ORDER

IT IS ORDERED that:

1. Apex Bulk Commodities 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 unless sooner cancelled or extended by order of this Commission.
3. In all other respects, the provisions of MRT 7-A shall apply.


This order is effective today.

Dated DEC 9 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 Wutts, Executive Director

APPENDIX A

Carrier: Apex Bulk Commodities.

Shipper: Southwestern Portland Cement Co.

Commodity: Gypsum, in bulk, in dump truck equipment.

Rate: \$12.50 per ton, not subject to surcharge.

Minimum Weight: 24 tons per load.

Origin: Plaster City, California.

Destination: Victorville, California.

Conditions:

1. Rate will apply only to shipments immediately preceded by a truckload shipment, in same unit of equipment, from an origin in San Bernardino County to a destination located in San Diego County.
2. If independent contractor-subhaulers are employed, they shall be paid not less than the rate named in this appendix.
3. In all other respects, the provisions of Minimum Rate Tariff 7-A shall apply to this transportation.

(END OF APPENDIX A)