

Decision 89 02 060 FEB 24 1989

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 crushed)
gypsum on behalf of CalMat Co.)

Application 88-10-037
(Filed October 21, 1988)

FEB 24 1989

O P I N I O N

Dalton Trucking, Inc. (applicant) is a California corporation located in Fontana, California. A certified copy of its Articles of Incorporation is in Commission Transportation File T-98782. Applicant operates as a dump truck carrier, highway contract carrier, highway common carrier, cement carrier, heavy specialized carrier, and agricultural carrier. Applicant operates a fleet of more than 96 trucks hauling dump truck commodities in bulk throughout Southern California.

Applicant is requesting authority to deviate from the minimum rates in Item 40 of Minimum Rate Tariff 7-A (MRT 7-A) on the transportation of crushed gypsum from U.S. Gypsum, Plaster City, California, to CalMat Company's cement plant in Colton, California. The current minimum rate for said transportation is \$14.48 per ton (Item 40 with surcharge), based on a minimum weight of 24 tons per load. Applicant proposes a rate of \$11.68 per ton on a minimum weight of 25 tons. Applicant has been advised that a minimum of 15,000 tons will be transported annually, divided into 10 approximately equal monthly periods.

Applicant has included computed costs in an appendix to the application on its proposed payload of 25 tons. Revenue will total \$292.00 on a round trip of 343 miles. Costs total \$285.31

with an operating revenue of \$6.68 per trip and an operating of 97.71%. Applicant has attached to the application a copy of an October 20, 1988 letter from CalMat Company of Colton, California, the shipper. This letter requests that the application be granted and affirms that a minimum of 15,000 tons of gypsum will be moved per year.

Loading is to be performed by the shipper by use of an overhead hopper or front-end loader at no cost to the applicant. All loads will then be covered with form-fitting tarps. Scales are available at the loading site for applicants use, without charge. Loading facilities are available at least 5 days per week, 12 hours per day from 6:00 a.m. to 6:00 p.m. Unloading is performed primarily by discharge over a drive on grizzly hopper. Unloading facilities are available at least 5 days per week, 24 hours a day.

In the event of loading or unloading delays beyond a combined total of 40 minutes, applicant will charge CalMat Company at a rate of \$20.00 per hour or portion thereof.

Applicant alleges that under present regulations subhaulers will not be hired to perform this transportation.

Applicant has selected a payload limit of 25 tons so its truck and transfer fleet can perform this transportation. This fleet performs other one-way transportation which terminates near the U.S. plant in Plaster City and the crushed gypsum can be returned as a secondary movement.

The Transportation Division 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 Carriers Association in San Francisco, the Associated Independent Owner Operators in Norwalk, the California Dump Truck Owners Association in Upland, and the California Trucking Association in West Sacramento. Notice of the filing of the application appeared

in the Commission's Daily Calendar on October 27, 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 crushed gypsum in dump truck equipment from U.S. Gypsum in Plaster City to the CalMat Company's cement plant in Colton, California.

2. It is estimated that applicant will be tendered approximately 15,000 tons over a period of one year.

3. Loading will be from an overhead hopper furnished by the shipper at no cost to applicant.

4. Unloading is accomplished by dropping the load over a grizzly hopper, which then stacks the material.

5. Loading facilities are available 5 days a week, 12 hours a day. Unloading is available 5 days per week on a 24-hour basis.

6. If loading and unloading require a combined period of more than 40 minutes, CalMat will be charged \$20.00 for every extra hour or portion thereof.

7. Cost data submitted with the application indicate that the transportation will be compensatory if the proposed rate is charged.

8. If subhaulers are hired, they will be paid the entire deviated rate.

9. No protests have been received.

10. A public hearing is not necessary.

11. The proposed rate is reasonable.

12. Under Public Utilities Code Section 3666, the Commission may authorize a lesser rate than the minimum established rate for not more than one year.

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. Under Public Utilities Code Section 3666, the authority granted in the following order 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 FEB 24 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
Commissioners

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


Executive Director

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Crushed gypsum.

Origin: U.S. Gypsum, Plaster City.

Destination: CalMat Company cement plant, Colton.

Minimum Weight: 25 tons.

Rate: \$11.68 per ton.

Conditions:

1. Should this transportation be performed by subhaulers, each subhauler shall be compensated at rates not less than those named in this appendix.
2. A maximum of 40 minutes will be allowed for loading and unloading combined. When both loading and unloading time combined totals more than 40 minutes, CalMat Company shall pay the carrier \$20 per hour or portion thereof.

(END OF APPENDIX A)