

Decision 89 04 008 APR 12 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 aggregate materials (rock and sand) on behalf of Owl Rock Products.

Application 88-09-061 (Filed September 30, 1988; amended November 7, 1988) APR 13 1989

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.

The original application requested authority to charge rates less than the tariff prescribed minimum on eight separate movements of aggregate materials. Protests were filed on October 31, 1988 by the California Carriers Association (CCA) and on November 4, 1988 by the California Dump Truck Owners Association (CDTOA).

A hearing was scheduled and the parties participated in a series of conferences, resulting in a cancellation of the hearing and the withdrawal of the CCA protest on December 16, 1988. The CDTOA protest was withdrawn on January 19, 1989 after applicant reduced the transportation to be performed from eight to three movements.

Applicant is applying for authority to deviate from the minimum rates in Minimum Rate Tariff (MRT) 7-A on the transportation of aggregate materials as noted below. Two rates are quoted on the Barstow to Victorville haul, since truck and

transfer (T&T), and bottom dump (B/D) units will be performing this transportation. If trucks and bottom dumps are used on Movements 1 and 2, the same rate will be charged.

1. Origin: Owl Rock Products, Lytle Creek  
Destination: Owl Rock, Victorville  
MRT 7-A Rate: \$4.69  
Proposed Rate: \$3.00 per ton
2. Origin: Owl Rock Products, Lytle Creek  
Destination: Owl Rock, Barstow  
MRT 7-A Rate: \$8.01  
Proposed Rate: \$6.10 per ton
3. Origin: Owl Rock Products, Barstow  
Destination: Owl Rock, Victorville  
MRT 7-A Rate: T&T \$4.90  
                  B/D 4.58  
Proposed Rate: T&T \$3.80 per ton  
                  B/D 3.55 per ton

Applicant expects to transport more than 30,000 tons per year for all movements combined, extended over 10 approximate equal monthly periods.

Loading will be performed by the shipper by use of front end loaders or overhead hoppers at no cost to applicant. Scaling facilities are located at the loading sites and will be provided at no cost to the applicant. Loading facilities are available at least five days per week, 12 hours per day from 5:00 a.m. to 5:00 p.m. Unloading is performed primarily by rolling discharge on a roll on stockpile greatly expediting unloading time. Unloading facilities are available at least five days per week, 12 hours per day from 6:00 a.m. to 6:00 p.m.

In the event of loading or unloading delays beyond a combined total of 20 minutes, applicant will charge Owl Rock Products at a rate of \$20 per hour or portion thereof.

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

Applicant states that its bottom dumps will normally be employed on Movements 1 and 2, but truck and transfer units may be

used on some of the secondary movements, due to trucks requiring less fuel. One of the documents with the application includes computations to show that the transportation will be profitable if performed with either type of equipment. Other attachments provide applicant's balance sheet and profit and loss statement, along with cost studies on each of the three movements requested.

The shipper provided a letter in support of the application.

Copies of the application were mailed to the California Carriers Association, Associated Independent Owner Operators, 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 October 4 and November 10, 1988. Protests were filed and withdrawn as previously noted. The Transportation Division has recommended that the application be granted.

Findings of Fact

1. Applicant seeks to assess rates less than the minimum rates set forth in MRT 7-A for the transportation of aggregate materials from Lytle Creek to Victorville and Barstow, and from Barstow to Victorville.

2. Applicant will be transporting more than 30,000 tons per year, extended over 10 approximately equal monthly periods.

3. Bottom dumps will normally be used on Movements 1 and 2, although truck and transfer units may be employed on some secondary movements, to save fuel. The rate will be the same regardless of the equipment used to perform the transportation.

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

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

6. Unloading is performed by direct discharge over a hopper, which minimizes unloading time.

7. Unloading facilities are available at least five days per week, 12 hours per day.

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

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

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

11. Protests were filed and were withdrawn at a later date.

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 APR 12 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

Commissioner Frederick R. Duda  
being necessarily absent, did  
not participate.

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



Victor Weisser, Executive Director

APPENDIX A

Carrier: Dalton Trucking, Inc.

First Movement

Commodity: Aggregate Material  
Origin: Owl Rock Products, Lytle Creek  
Destination: Owl Rock, Victorville  
Rate: \$3.00 per ton

Second Movement

Commodity: Aggregate Material  
Origin: Owl Rock Products, Lytle Creek  
Destination: Owl Rock, Barstow  
Rate: \$6.10 per ton

Third Movement

Commodity: Aggregate Material  
Origin: Owl Rock Products, Barstow  
Destination: Owl Rock, Victorville  
Rate: T&T \$3.80 per ton  
B/D 3.55 per ton

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

(END OF APPENDIX A)