

Decision 89 04 010

APR 12 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 KRM/SunCrete.

Mailed

Application 88-09-091 APR 13 1989
(Filed September 26, 1988; amended October 25, 1988)

O P I N I O N

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 applicable rates in Minimum Rate Tariff 7-A (MRT 7-A), Item 30, for the transportation of:

- | | | |
|--------------------|-----------------------|-------------------------------|
| Movement A: | Commodity: | Aggregate Materials |
| | Origin: | Owl Rock's Lytle Creek Quarry |
| | Destination: | KRM/Suncrete, Hesperia |
| | MRT 7-A Rate: | \$4.47 per ton |
| | Proposed Rate: | \$3.50 per ton |
| Movement B: | Commodity: | Aggregate Materials |
| | Origin: | Owl Rock's Barstow Quarry |
| | Destination: | KRM/Suncrete, Hesperia |
| | MRT 7-A Rate: | \$5.85 per ton |
| | Proposed Rate: | \$4.50 per ton |

Applicant expects that the transportation will involve a minimum amount of approximately 30,000 tons per year for each movement over 10 roughly equal monthly periods.

Loading is to be performed by the shipper by use of front-end loaders or overhead hoppers at no cost to the applicant. Scaling facilities are located at the loading site and will be provided at no cost to the applicant. Loading facilities are available 5 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 5 days per week, 16 hours per day from 6:00 a.m. to 10:00 p.m..

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

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

Applicant will be supplementing its bottom dumps with its truck and transfer fleet. The bottom dumps will be loaded to 28 tons and the truck and transfer fleet to 24 tons. Applicant has included in an appendix a payload figure well below that which the bottom dumps and transfer units 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 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 September 29, 1988.

Protests were filed by the California Dump Truck Owners Association and the California Carriers Association. The application was amended on October 25, 1988 and the protest of the California Carriers Association was withdrawn on December 16, 1988. The California Dump Truck Owners withdrew its protest on January 19, 1989 after a scheduled hearing was cancelled.

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 Aggregate materials from quarries at Lytle Creek and Barstow to Hesperia.
2. Applicant will be transporting approximately 30,000 tons per year from each location.
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. A scale is located at the loading site and is available to the applicant without charge.
6. Unloading is performed by gravity as the truck rolls along the top of a stockpile.
7. Unloading facilities are available at least 5 days per week and 16 hours per day.
8. In the event of loading or unloading delays beyond a combined total of 20 minutes, applicant will charge KRM/Suncrete at a rate of \$20 per hour, or portion thereof.
9. Cost data submitted with application indicate that transportation at the proposed rate will be compensatory.
10. Applicant has stated that subhaulers will not be used.
11. The two protests that were filed have been withdrawn.
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.

O R D E R

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.

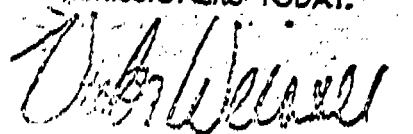
This order is effective today.

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 Weisner, Executive Director

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Aggregate materials.

Origin: Owl Rock Lytle Creek Quarry - Rate: \$3.50 per ton.
Owl Rock Barstow Quarry - Rate: \$4.50 per ton.

Destination: KRM/Suncrete, Hesperia.

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)