

ORIGINAL

Decision 89 04 023 APR 12 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J. C. McClinton)
Trucking Co., a corporation,)
for authority to deviate from)
the otherwise applicable minimum)
rates of silica sand for Brockway)
Glass Company, Inc. pursuant to)
Section 3666 of the California)
Public Utilities Code.)

Mailed

APR 12 1989

Application 88-09-007
(Filed September 2, 1988)

ORDER MODIFYING DECISION

Decision (D.) 88-12-014, dated December 9, 1988 (in Application 88-09-007), authorized applicant to deviate from the minimum rates in MRT 7-A on the transportation of silica sand from the U.S. Silica Company in Oceanside, to Brockway Glass Company, Inc., at Pomona, California. The rate authorized by the decision is \$6.70 per ton, with a minimum weight of 26 tons per unit of equipment. The tariff rate is \$8.40 per ton with a minimum weight of 24 tons per shipment.

Applicant filed a Petition to Modify Decision 88-12-014 on December 27, 1988, which requested that the rate be reduced from \$6.70 per ton, to \$6.48 per ton, and that the minimum weight per shipment be reduced to 24 tons. Apart from these two changes, D.88-12-014 was to remain in full force and effect.

The petition is supported by a letter from the shipper. Applicant alleges that other carriers are hauling for the lower rate and applicant must conform or lose the business.

Applicant has included a cost study which indicates that the total mileage will be 162, and the gross revenue \$168.48. Costs will amount to \$157.90, with an operating income of \$10.58. The transportation will be performed at an operating ratio of 94%.

Notice of the filing of the petition was provided in the Commission's Daily Calendar on January 3, 1989. There have been no protests or requests for a hearing. The Commission staff has recommended that the petition be granted without a hearing.

Findings of Fact

1. Applicant has petitioned to modify D.88-12-014 to further reduce a deviated rate authorized by D.88-12-014.
2. The petition was filed for authority to charge a rate which is currently used by other carriers.
3. A cost study indicates that the rate applied for will be compensatory.
4. The proposed rate is reasonable.
5. A hearing is not necessary.

Conclusions of Law

1. The application should be granted.
2. This order should be made effective on the date signed because there is an immediate need for rate relief.
3. The authority granted by this order and D.88-12-014 shall expire one year after the effective date of this order.

ORDER

IT IS ORDERED that:

1. J. C. McClinton Trucking Company, Inc., a corporation, may depart from the rates in MRT 7-A by charging not less than \$6.48 per ton, on a minimum of 24 tons per load, while transporting silica sand from the U.S. Silica Company, Oceanside, to the Brockway Glass Company, at Pomona.
2. In all other respects, the provisions of D.88-12-014 shall remain in full force and effect.

3. The authority granted herein and by D.88-12-014 shall expire one year after the effective date of this order.


This order is effective today.

Dated APR 12 1988, 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 Weissert, Executive Director
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