

Decision 89 04 036 APR 12 1989

ORIGINAL

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 Limestone for Brockway
Glass Company, Inc. pursuant to
Section 3666 of the California
Public Utilities Code.

Application 88-06-029
(Filed June 20, 1988;
amended July 25, September 12,
and December 30, 1988)

ORDER MODIFYING DECISION

Decision (D.) 88-09-050, issued after the first amendment in this proceeding, authorized applicant to deviate from the minimum rates in Minimum Rate Tariff (MRT) 7-A for the transportation of limestone from Lucerne Valley to the Brockway Glass plant in Pomona on shipments for the account of Brockway Glass. The authorized rate was \$7.43 per ton with a 26-ton minimum; the applicable minimum rate is \$8.40 per ton with a 24-ton minimum.

Applicant filed a third amendment (actually a petition to modify D.88-09-050) on December 30, 1988 which requested that the rate be further reduced to \$6.75 per ton. In all other respects D.88-09-050 was to remain in full force and effect. Applicant would continue to apply a 26-ton minimum on the new deviated rate.

The petition is supported by a letter from the successor shipper, O-I Brockway Glass Co. (OI); the corrected version of the letter was received by the Commission on March 9, 1989. OI purchased Brockway Glass's facility and is continuing the glass manufacturing operation which this movement supports. Applicant has included a cost study which indicates that the lower rate is compensatory. Staff by its Advice of Participation circulated to applicant on February 28, 1989, recommended that the petition could be granted without hearing.

ORIGINAL

Decision 89-04-036 April 12, 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Glass Company, Inc. pursuant to
Section 3666 of the California
Public Utilities Code.

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(Filed June 20, 1988;
amended July 25, September 12,
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Mailed

APR 13 1989

OPINION MODIFYING DECISION

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Notice of the filing of the petition was provided in the Commission's Daily Calendar on January 6, 1989. There have been no protests or requests for a hearing.

Findings of Fact

1. Applicant has petitioned to modify D.88-09-050 to further reduce a deviated rate authorized by the decision.
2. The petition was intended to allow applicant to charge a competitive rate.
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.88-09-050 shall expire one year after the effective date of that order.

O R D E R

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 \$7.20 per ton, on the transportation described in Appendix A of D.88-09-050
2. In all other respects, the provisions of D.88-09-050 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 that order.

This order is effective today.

Dated April 12, 1989, at San Francisco, California.

G. MITCHELL WILK
President
STANLEY W. HULETT
JOHN B. O'HANIAN
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 Weisler
Victor Weisler, Executive Director

PC