

ORIGINAL

Decision 89 09 007 SEP 7 1989

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.

Application 89-05-002 (Filed May 2, 1989)

OPINION

Dalton Trucking, Inc. (applicant) is a California corporation located in Fontana. A certified copy of its Articles of Incorporation is in the 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 rates in Minimum Rate Tariff (MRT) 7-A on the transportation of aggregate materials from Beaumont Concrete's Cabazon Quarry to Beaumont Concrete at Thousand Palms. The current tariff rate is \$2.86 per ton. Applicant is proposing a rate of \$2.00 per ton, without suggesting a minimum weight per shipment. The rate is to apply only when the proposed transportation is half of a fully cost justified front or back haul performed in the same equipment as part of a continuous round-trip movement.

This transportation would be a profitable back haul to movements already performed by applicant's trucks. The trucks presently return empty, without producing any revenue. Applicant expects that approximately 25,000 tons of aggregate materials will be hauled each year under this agreement.

Loading and weighing will be performed without cost to applicant. Loading can be performed five days a week, between 6:00 a.m. and 4:30 p.m. Unloading is by gravity and can be accomplished

between 6:00 a.m. and 10:00 p.m., 5 days per week. If loading and unloading time combined requires more than 40 minutes, applicant will charge Beaumont Concrete at a rate of \$17.50 per hour or portion thereof.

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

Applicant will use both its bottom dump fleet (28-ton legal maximum load) and its truck and transfer fleet (24-ton maximum), depending on what is required to transport the main load. Applicant has included cost computations to show that the haul will be profitable even at the 24-ton maximum load carried by the truck and transfer units.

The shipper provided a letter in support of the application.

Copies of the application were mailed to the California Carriers Association, the Associated Independent Owner Operators, the 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 May 5, 1989. There have been no protests or requests for a hearing.

The staff of the Transportation Division has recommended that the application be granted.

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 Beaumont Concrete's Cabazon Quarry to Beaumont Concrete at Thousand Palms.
2. Applicant will be transporting approximately 25,000 tons of aggregate materials per year for this shipper.
3. Loading and weighing of the load will be handled without cost to applicant.

4. Loading and unloading can be completed on 5 days per week, loading from 6:00 a.m. to 4:30 p.m. and unloading from 6:00 a.m. to 10:00 p.m.

5. If loading and unloading time combined totals more than 40 minutes, applicant will charge Beaumont Concrete at a rate of \$17.50 per hour or portion thereof.

6. Cost data submitted with the application indicate that transportation at the proposed rate will be compensatory.

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

8. No protests have been received.

9. A public hearing is not necessary.

10. 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. Since transportation conditions may change, 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 unless sooner canceled or extended by order of this Commission.

3. In all other respects, the provisions of MRT 7-A shall apply.

This order is effective today.

Dated SEP 7 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. CHANIAN  
PATRICIA M. ECKERT  
Commissioners

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

*Wesley Franklin*

WESLEY FRANKLIN, Acting Executive Director

*DB*

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Aggregate materials.

Origin: Beaumont Concrete's Cabazon Quarry.

Destination: Beaumont Concrete at Thousand Palms.

Rate: \$2.00 per ton.

Minimum Weight: None stated.

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 40 minutes will be allowed for loading and unloading combined. If delays occur requiring a combined time greater than 40 minutes, the shipper will be charged at a rate of \$17.50 per hour or portion thereof.

(END OF APPENDIX A)