

Decision 89 09 073 SEP 27 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 Robertson Ready Mix.)

Application 89-05-055
(Filed May 23, 1989)

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 rates in Minimum Rate Tariff 17-A (MRT 17-A) for the transportation of aggregate materials from the Robertson Ready Mix Quarry in Redlands to the Robertson Ready Mix Batch Plant in Fontana. The tariff rate is \$2.51 per ton; applicant is proposing a rate of \$1.65 per ton, with a minimum weight of 24 tons per load. Applicant expects that approximately 20,000 tons of aggregate materials will be hauled each year under this agreement.

Loading and weighing will be provided without cost to applicant. Loading facilities are available at least 5 days a week, 12 hours a day from 5:00 a.m. to 5:00 p.m. Unloading is performed by gravity and facilities are available 5 days a week, 12 hours a 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 Robertson Ready Mix at a rate of \$20 per hour or portion thereof.

Applicant will not hire subhaulers to provide this transportation.

Applicant will utilize its bottom dump fleet along with truck and transfer units to perform this transportation. The appendix to the application provides cost and revenue estimates to show that both operations will be profitable. Applicant has numerous hauls which terminate in the vicinity of Redlands. This transportation for Robertson's Ready Mix will guarantee that applicant's trucks will have a load on the return to applicant's truck yard in Fontana.

Applicant will be the only for-hire carrier performing this transportation, as a supplement to Robertson's proprietary fleet of dump trucks.

The shipper has provided a letter in support of the application.

Copies of the application were mailed to the California Carriers Association, the 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 Transportation Calendar on May 30, 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 17-A for the transportation of aggregate materials from the Robertson Ready Mix Quarry in Redlands to the Robertson Ready Mix Batch Plant in Fontana.
2. Applicant will be transporting about 20,000 tons of aggregate materials per year for this shipper.
3. Loading and weighing the load will be handled without cost to applicant.

4. Loading and unloading can be completed on five days of the week. Loading from 5:00 a.m. to 5:00 p.m., and unloading from 6:00 a.m. to 6:00 p.m.

5. If loading and unloading time combined totals more than 20 minutes, applicant will charge Robertson Ready Mix at a rate of \$20 per hour or portion thereof.

6. Cost data submitted with the application indicates 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 17-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 17-A shall apply.

This order is effective today.

Dated SEP 27 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.

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

PB

APPENDIX A

Carrier: Dalton Trucking, Inc.

Commodity: Aggregate materials.

Origin: Robertson Ready Mix Quarry in Redlands.

Destination: Robertson Ready Mix Batch Plant in Fontana.

Rate: \$1.65 per ton.

Minimum Weight: 24 tons.

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)