

Decision 89 09 098

SEP 27 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
George Kishida, Inc. (T-80,974), for)
authority to depart from the rates,)
rules and regulations of Minimum)
Rate Tariff 7-A in the transportation)
of rock and sand, in bulk, in dump)
truck equipment, for Owens-Illinois,)
Inc., under provisions of)
Section 3666 of the Public Utilities)
Code.)

Application 89-03-001
(Filed March 6, 1989)

ORDER MODIFYING DECISION 89-06-039

Decision (D.) 89-06-039 dated June 21, 1989 in Application 89-03-001 has an appendix attached which authorizes the applicant herein to charge less than the Minimum Rate Tariff (MRT 7-A) rate on transportation of silica sand (as described in Item 40 of MRT 7-A) from the Owens-Illinois site in Ione, California, to the Owens-Illinois, Inc. plant (formerly Brockway Glass plant) located at 8717 "G" Street, Oakland, California.

Applicant filed a petition to modify D.89-06-039 on July 14, 1989. The petition explains that Owens-Illinois has two plants in Oakland. The second plant is at 3600 Alameda Avenue and is not mentioned in D.89-06-039. The petition alleges that at the time the original application was filed, the Alameda plant was served by another carrier and petitioner excluded it from the application.

The Owens-Illinois business has substantially increased over the past six months and the carrier serving the Alameda Avenue plant has advised that it has no objection if petitioner extends its service to the second plant of Owens-Illinois in Oakland.

Copies of the Petition to Amend Decision 89-06-039 were mailed to the California Trucking Association, California Dump

Truck Owners Association, California Carriers' Association, and T and T Trucking, Inc. Notice of the filing of the application was noted in the Commission's Daily Transportation Calendar on July 21, 1989. There has been no protests or requests for a hearing. The Commission staff has recommended that the petition be granted by ex parte order.

In view of the withdrawal of objection by the carrier serving the Owens-Illinois Alameda plant in Oakland, we find and conclude that Appendix A of Decision 89-06-039 should be modified to include the Owens-Illinois plant at 3600 Alameda Avenue in Oakland as an alternate destination on shipments of silica sand from the Owens-Illinois site in Ione, California.

IT IS ORDERED that:

1. George Kishida, Inc. is authorized to depart from the provisions of MRT 7-A to the extent set forth in Appendix A attached, which will supersede the Appendix A attached to Decision 89-06-039.
2. The authority 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 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.

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Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director
DS

APPENDIX A

Rates and Charges to be Assessed

Carrier: George Kishida, Inc.

Shipper: Owens-Illinois.

Commodities: Silica Sand as described in Item 40 of Minimum Rate
Tariff 7-A.

Rates: \$8.63 per ton.

Minimum Weight: Twenty-six tons per load.

Origin: Owens-Illinois site, Ione.

Destination: Owens-Illinois, Inc. Plant (formerly Brockway Glass
Plant) 8717 "G" Street, Oakland, CA.

Owens-Illinois, Inc. Plant at 3600 Alameda Avenue,
Oakland, CA.

Conditions:

1. Carrier does not intend to use subhaulers for this traffic. In the event, unforeseen circumstances require the use of subhaulers, they shall be paid not less than the rates provided in this appendix.

2. In all other respects, the provisions of MRT 7-A shall apply to this transportation.

(END OF APPENDIX A)