

Decision 89 11 045 NOV 2 2 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of APEX BULK COMMODITIES)
for authority to deviate from the)
otherwise applicable minimum rates)
for the transportation of pumice in)
bulk for the account of Capistrano)
Bulk Transport, Inc.)

Application 89-07-029
(Filed July 17, 1989)

OPINION

Apex Bulk Commodities (applicant) is a California corporation with its principal place of business in Whittier, California. A certified copy of its Articles of Incorporation is on file with the Commission in folder Cal. T-146,226.

Applicant holds authority and operates as a highway contract carrier, highway common carrier, cement carrier, dump truck carrier, and agricultural carrier.

Copies of the application were mailed to California Trucking Association and California Dump Truck Owners Association. The filing of the application was noted in the Commission's Daily Transportation Calendar on July 24, 1989. There have been no protests or requests for a hearing.

Findings of Fact

1. Applicant has applied for authority to deviate from the tariff rate in Minimum Rate Tariff (MRT) 7-A on the transportation of pumice in bulk from the California Lightweight Pumice, Inc. plant in Dunsmovin, California, to the California Lightweight Pumice installation in Long Beach, California.

2. Bottom dump hoppers will be used to perform the transportation at a rate of \$16.43 per ton with a 25-ton minimum load in each unit of equipment.

3. The shipper has advised that approximately 10,000 tons of pumice will be transported each year, averaging several loads per day during a 6-day week.

4. Loading and unloading will be performed by the shipper without charge.

5. The loading facility is available 18 hours per day and the unloading facility 24 hours a day.

6. Applicant will not be employing subhaulers to provide this service. If any are hired, they will be paid 100% of the deviated rate charged.

7. A letter of support from the shipper, California Lightweight Pumice, Inc., is attached to the application.

8. The application includes applicant's latest available balance sheet and income statement for the 12 months ending on December 31, 1988. These documents indicate that applicant's overall operation is profitable.

9. Cost data submitted with the application indicates that transportation at the proposed rate will be compensatory.

10. No protests have been received.

11. A public hearing is not necessary.

12. 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. This authority should expire in one year.

ORDER

IT IS ORDERED that:

1. Apex Bulk Commodities is authorized to depart from the provisions of Minimum Rate Tariff (MRT) 7-A to the extent set forth in Appendix A attached.
2. The authority shall expire in 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 NOV 22 1989, at San Francisco, California.

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

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

- 3 -

Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director
AB

APPENDIX A

Carrier: Apex Bulk Commodities.

Commodity: Pumice in bulk.

Origin: California Lightweight Pumice, Inc., plant in Dunmavin, California.

Destination: California Lightweight Pumice, Inc. installation in Long Beach, California.

Rate: \$16.43 per ton.

Minimum Weight: 25 tons per load.

Condition:

It is not expected that subhaulers will be used on this transportation. If they are, however, they will receive 100% of the deviated rate charged for the transportation.

(END OF APPENDIX A)