

Decision 89 12 042 DEC 1 8 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 for the purpose of considering and )  
 determining minimum rates for the )  
 transportation of rock, sand, gravel, )  
 and related items in bulk, in dump )  
 truck equipment in Southern )  
 California as provided in Minimum )  
 Rate Tariff 17-A and Southern )  
 California Production Area and )  
 Delivery Zone Directory 1, and the )  
 revisions or reissues thereof. )

**ORIGINAL**

Case 9819  
 Petition for Modification 112  
 (Filed July 17, 1989)

OPINION

South Coast Asphalt Products Company (petitioner) is a California corporation located in Carlsbad, California. Its Articles of Incorporation have been filed with the Commission (see Cal T-91486).

Petitioner has filed to request a modification of Minimum Rate Tariff 17-A (MRT 17-A) and Southern California Production Area and Delivery Zone Directory No. 1, by establishing a production area and certain zone hauling rates therefrom, on Item 60 commodities to all delivery zones in San Diego County and the Rancho California area of Riverside County.

Petitioner is now producing, marketing, and distributing rock and sand products, using independent for-hire dump truck carriers, from its facility located at 610 South Twin Oaks Valley Road, San Marcos, California 92069, in San Diego County. Deliveries are made to various points in San Diego County and the Rancho California area of Riverside County.

Zone delivery rates are not now available from this production facility to points within the system of delivery zones established in MRT 17-A and no production area has been established from this facility. Petitioner believes that the establishment of

a new production area at its facility in San Diego County will eliminate existing rate discrimination now favoring competing rock and sand producers.

Petitioner requests modification of MRT 17-A and Southern Production Area and Delivery Zone Directory 1 to reflect the following:

1. The establishment of a new commercial production area in San Diego County, as previously described.
2. The establishment of rates from this production area for Item 60 commodities to all delivery zones in San Diego County and the Rancho California area of Riverside County. These rates are to be included in Section 8 of MRT 17-A and have been developed using the Commission's current cost formula resulting in computer generated rates based on the existing dump truck traverse network amended by the tie-in segment proposed in this petition.

Copies of the application were mailed to the California Dump Truck Owners Association, Associated Independent Owner Operators, Inc., California Carriers Association, California Trucking Association, California Asphalt Pavement Association, San Diego County Rock Producers Association, Department of Transportation of the State of California, and Nelson and Sloan of Chula Vista. The filing of the application was noted in the Commission's Daily Transportation Calendar on July 24, 1989, and there have been no protests or requests for a hearing.

The Transportation Division has recommended that the petition be granted.

Findings of Fact

1. Petitioner produces, markets, and distributes rock and sand products out of its facility in San Marcos, San Diego County.
2. It is presently unlawful to charge zone rates on the transportation of Item 60 commodities from petitioner's San Marcos

facility to all delivery zones in San Diego County and the Rancho California area of Riverside County.

3. Petitioner has applied to have its San Marcos location designated as a commercial production area and to establish zone delivery rates from the San Marcos location to all delivery zones in San Diego County and the Rancho California area of Riverside County.

4. If petitioner is not authorized to establish zone rates, it will continue to operate at a disadvantage in competition with others who are already applying these rates.

5. The rates adopted in the following order will result in just, reasonable, and nondiscriminatory minimum rates for the transportation involved.

6. A public hearing is not necessary.

Conclusions of Law

1. The petition should be granted.

2. MRT 17-A should be amended to extend zone rates from the production area to all delivery zones in San Diego County and the Rancho California area of Riverside County.

3. Southern California Production Area and Delivery Zone Directory No. 1 should be amended to accommodate the proposed production area described in the petition.

ORDER

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (MRT 17-A) (Appendix C to Decision (D.) 80578, as amended) is further amended by incorporating Original Page 8-WW and Original Page 8-WW-1, attached, to become effective 30 days after today.

2. Southern California Production Area and Delivery Zone Directory No. 1 (Appendix A to D.65469, as amended) is further

C.9819, Pet. 112 ALJ/EGF/jc

amended by incorporating Fifth Revised Page 252.4, attached, to become effective 30 days after today.

3. In all other respects, D.80578, as amended, shall remain in full force and effect.

4. The Executive Director shall serve a copy of this decision on each subscriber to MRT 17-A.

This order is effective today.

Dated DEC 18 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.

*Wesley Franklin*

WESLEY FRANKLIN, Acting Executive Director

*DB*

SECTION 8--ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-WW  
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
30066 760	37117 353	37224 375	37328 239	37378 139	37428 488	37510 366
30067 792	37118 307	37225 344	37329 250	37379 175	37429 461	37511 383
30068 759	37119 381	37226 309	37330 246	37380 236	37430 484	37512 398
30069 714	37120 343	37227 292	37331 227	37381 302	37431 442	37513 389
30070 718	37121 341	37228 265	37332 229	37382 320	37432 465	37514 360
30071 749	37122 317	37229 292	37333 197	37383 409	37433 439	37515 316
30093 745	37123 315	37230 318	37334 177	37384 340	37434 405	37516 257
30094 715	37124 339	37231 335	37335 172	37385 318	37435 406	37517 221
30095 699	37125 357	37232 286	37336 147	37386 299	37436 406	37518 200
30096 706	37126 367	37233 243	37337 121	37387 353	37437 373	37519 250
30097 642	37127 340	37234 140	37338 88	37388 322	37438 397	37520 272
30098 620	37128 317	37235 191	37339 91	37389 302	37439 407	37521 276
30099 670	37129 247	37236 207	37340 122	37390 300	37440 421	37522 291
30100 631	37130 282	37237 213	37341 169	37391 300	37441 416	37523 355
30101 593	37131 297	37238 256	37342 106	37392 275	37442 432	37524 392
30102 575	37132 298	37239 254	37343 121	37393 254	37443 436	37525 441
30103 594	37133 330	37240 258	37344 106	37394 254	37444 477	37526 512
30116 541	37134 312	37241 226	37345 151	37395 231	37445 524	37527 490
30117 511	37135 298	37242 257	37346 177	37396 272	37446 572	37528 470
30118 491	37136 278	37243 284	37347 206	37397 195	37447 488	37529 437
33201 369	37137 305	37244 282	37348 239	37398 189	37448 459	37530 414
33202 425	37138 350	37245 289	37349 211	37399 153	37449 455	37531 456
33203 403	37139 298	37246 319	37350 201	37400 165	37450 431	37532 482
33204 481	37140 274	37301 257	37351 182	37401 327	37451 426	37533 524
33205 418	37141 285	37302 289	37352 135	37402 346	37452 446	37534 511
33206 429	37142 278	37303 256	37353 182	37403 387	37453 459	37536 467
33207 452	37143 269	37304 228	37354 202	37404 366	37454 491	37537 458
33208 466	37201 299	37305 229	37355 228	37405 194	37455 193	37538 434
33209 459	37202 300	37306 260	37356 236	37406 224	37456 205	37539 426
33210 435	37203 325	37307 275	37357 221	37407 254	37457 171	37540 449
33211 434	37204 366	37308 265	37358 255	37408 280	37458 304	37541 465
33212 450	37205 396	37309 279	37359 252	37409 296	37459 332	37542 486
33213 475	37206 397	37310 257	37360 270	37410 312	37460 340	37543 465
33214 504	37207 414	37311 275	37361 247	37411 340	37461 332	37544 411
37101 494	37208 378	37312 247	37362 248	37412 350	37462 367	37545 439
37102 527	37209 341	37313 255	37363 246	37413 368	37463 215	37546 460
37103 454	37210 384	37314 223	37364 289	37414 397	37464 311	37547 481
37104 472	37211 264	37315 250	37365 282	37415 381	37467 311	37548 503
37105 515	37212 239	37316 221	37366 306	37416 404	37468 323	37549 532
37106 498	37213 212	37317 212	37367 289	37417 382	37469 368	37550 563
37107 450	37214 219	37318 194	37368 261	37418 409	37470 361	37551 586
37108 440	37215 170	37319 164	37369 233	37419 447	37501 163	37552 608
37109 414	37216 148	37320 131	37370 199	37420 447	37502 183	37553 646
37110 379	37217 139	37321 104	37371 169	37421 402	37503 210	37554 412
37111 354	37218 179	37322 140	37372 151	37422 343	37504 202	37555 465
37112 377	37219 205	37323 155	37373 134	37423 356	37505 224	37556 492
37113 409	37220 196	37324 198	37374 153	37424 366	37506 251	37559 267
37114 435	37221 353	37325 194	37375 180	37425 390	37507 285	37560 240
37115 392	37222 392	37326 180	37376 134	37426 424	37508 322	37561 263
37116 367	37223 361	37327 211	37377 162	37427 476	37509 376	37562 267

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EFFECTIVE **1/17/89**

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
SAN FRANCISCO, CALIFORNIA.

SECTION 8--ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-WW  
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE				
37563	220	37810	533	37944	653				
37564	318	37811	561	37950	553				
37565	300	37812	591	37951	580				
37566	378	37813	618	37952	605				
37567	386	37814	635	37953	630				
37601	493	37815	612	37954	653				
37607	519	37816	586	37955	679				
37603	496	37817	562	37956	702				
37604	475	37818	595	37957	732				
37605	510	37819	562	37958	761				
37606	516	37820	540	37959	783				
37607	550	37901	484	37960	813				
37608	561	37907	478	37961	849				
37609	579	37903	469						
37610	489	37904	475						
37611	509	37905	481						
37612	594	37906	523						
37613	618	37907	514						
37614	649	37908	530						
37615	675	37909	539						
37616	699	37910	516						
37617	717	37911	487						
37618	741	37917	474						
37619	773	37913	499						
37620	809	37914	522						
37621	839	37915	524						
37622	765	37916	538						
37623	786	37917	533						
37624	812	37918	587						
37625	835	37919	627						
37626	857	37920	591						
37627	878	37921	606						
37628	899	37922	631						
37629	920	37923	596						
37630	942	37924	561						
37631	963	37925	566						
37632	984	37926	569						
37633	1012	37927	575						
37634	695	37928	629						
37635	675	37929	601						
37636	654	37930	583						
37801	532	37931	586						
37802	544	37932	597						
37803	511	37933	621						
37804	559	37934	602						
37805	572	37935	603						
37806	522	37940	608						
37807	537	37941	641						
37808	563	37942	560						
37809	516	37943	587						

Change, Decision

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11/17/89

Correction

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
SAN FRANCISCO, CALIFORNIA.

SECTION 6--SAN DIEGO COUNTY PRODUCTION AREAS AND DELIVERY ZONES (Continued)

AREA	SAN DIEGO COUNTY PRODUCTION AREAS
37-T	Beginning at the intersection of Friars Rd. and Murphy Canyon Rd.; northerly along Murphy Canyon Rd. to Aero Dr.; westerly along Aero Dr. to Marathon Dr.; southerly along Marathon Dr. to Fermi Ave.; westerly along Fermi Ave. to Mission Village Dr.; southerly along Mission Village Dr. to Friars Rd.; easterly along Friars Rd. to the point of beginning.
37-TT	The area within a 5/8 of a mile radius of the southwestern prolongation of Sycamore Avenue, and the westerly prolongation of La Mirada Drive.
37-U	Beginning at a point on Mission Gorge Rd. 500 ft. easterly of the junction of Mission Gorge Rd. and Conestoga Wy.; due north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of Mission Gorge Rd. to a point exactly 1/2 mile north of a point on Mission Gorge Rd. 1 mile westerly of the junction of Mission Gorge Rd. and Conestoga Wy.; southerly along said line to Mission Gorge Rd.; easterly along Mission Gorge Rd. to the point of beginning.
37-UU	That portion of the N. E. quarter of Section 25 lying north of Beeler Canyon Road and that portion of the easterly 545 feet of the S. E. quarter of the N. W. quarter of Section 25 lying northerly of Beeler Canyon Road located in T. 14 S. R. 2 W. SBBM.
37-V	Beginning at a point on Mission Gorge Rd. 500 ft. easterly of the junction of Mission Gorge Rd. and Conestoga Wy.; due north 1/2 mile; easterly along a line parallel to and 1/2 mile northerly of Mission Gorge Rd. to Fr. Junipero Serra Rd.; southerly along Fr. Junipero Serra Rd. to Mission Gorge Rd.; westerly along Mission Gorge Rd. to the point of beginning.
37-W	Beginning at the intersection of U.S. Hwy. 395 and the San Diego River; northerly along U.S. Hwy. 395 to Genesee Ave.; easterly along Genesee Ave. and its easterly extension to Interstate Hwy. 805; southerly along Interstate Hwy. 805 to the San Diego River; westerly along the San Diego River to the point of beginning.
*37-WW	Beginning at the intersection of the southern boundary line of Section 22, T.12S, R3W, SBBM and the north-south center line of Section 22, T.12S, R3W, SBBM; north along said center line to its intersection with the south-westerly prolongation of Myrtle Avenue; northeasterly along said prolongation of Myrtle Avenue to its intersection with the north prolongation of the eastern boundary line of Section 14 and Section 23, T.12S, R3W, SBBM; south along said prolongation and the eastern boundary line of Section 14 and Section 23, T.12S, R3W, SBBM to the south boundary line of Section 23, T.12S, R3W, SBBM; westerly along said boundary line and south boundary line of Section 22, T.12S, R3W, SBBM, to the point of beginning.
37-X	Beginning at the intersection of Murphy Canyon Rd. and the San Diego River; northerly along Murphy Canyon Rd. to Friars Rd.; westerly along Friars Rd. to Mission Village Rd.; northerly along Mission Village Rd. to Irvington Rd.; westerly along Irvington Rd. and its westerly extension to Interstate Hwy. 805; southerly along Interstate Hwy. 805 to the San Diego River; easterly along the San Diego River to the point of beginning.
37-Y	Beginning at the intersection of Twain Ave. and Mission Gorge Rd.; westerly along Twain Ave. to the San Diego River; northerly and northeasterly along the San Diego River to Zion Ave.; easterly along Zion Ave. to Mission Gorge Rd.; southerly along Mission Gorge Rd. to the point of beginning.
37-Z	Beginning at a point on El Monte Rd. exactly 1 mile easterly of Virden St.; easterly along El Monte Rd. to the entrance to El Monte Park; north 1/2 mile; westerly along a line parallel to and 1/2 mile northerly of El Monte Rd. to a point 1/2 mile north of a point on El Monte Rd. exactly 1 mile easterly of Virden St.; south 1/2 mile to the point of beginning.

\* Addition, Decision **89 12 042**

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11/17/89

Correction

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SAN FRANCISCO, CALIFORNIA.