

Decision 90 02 011 FEB 07 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of T & T Trucking, Inc.,)
for the authority to deviate from)
minimum rates in MRT 7-A for the)
account of Lime Mountain Company)
under Section 3666 of the Public)
Utilities Code.)

ORIGINAL

Application 89-07-052
(Filed July 31, 1989;
amended August 16, 1989)

O P I N I O N

T & T Trucking, Inc. (applicant) is a California corporation operating out of Lodi, California. A copy of its Articles of Incorporation is in Commission Transportation File T-84,759. Applicant holds authority from this Commission as a dump truck carrier, agricultural carrier, heavy specialized carrier, general commodities contract carrier, and a certificated general commodities common carrier.

Authority is requested to deviate from minimum rates in MRT 7-A, Item 320, to the extent of applying the Northern Territory rate scale to shipments of crushed limestone used in the manufacture of glass. The origin of the shipments is Lime Mountain Quarry located 25 miles northwest of Paso Robles, about eight miles south of the southern boundary of the northern territory in MRT 7-A, Item 160. Actual highway miles from origin to point of destination in Madera is 149 miles via route of travel. The point of origin rule in the tariff requires the higher Southern Territory rate application even though the shipper must compete in delivered cost with Northern Territory producers. A minimum weight of 52,000 pounds (26 tons) will be transported in each unit, at a rate of \$11.69 cents per ton.

The shipper filed a letter in support of the application. The letter states that the shipper pays a 10% surcharge because its mine is located six miles south of the San Luis Obispo County Line.

Applicant will transport 6,800 tons of crushed limestone per year, with individual shipments averaging 54,000 pounds.

The consignor loads the truck and the consignee unloads. Both actions are by gravity and will be accomplished without cost to the applicant. One-half hour is allowed for loading, and for unloading, computed from the time the truck arrives at the consignor's or consignee's place of business. Excess time will be assessed \$15 for the first 30 minutes or fraction thereof, and \$5 for each additional 15 minutes, or fraction thereof.

If subhaulers are employed they will be paid no less than the rate authorized, without deduction for the use of T & T's trailing equipment.

The proposed rate will be applied only when the carrier's equipment was first used to transport bulk shipments of silica sand from Ione or Byron to Madera, at MRT 7-A rates.

The appendix attached to the application includes an income and financial statement, along with a cost study covering the proposed transportation which indicates that it will be profitable.

Copies of the application were mailed to the California Trucking Association, California Carriers Association, and the California Dump Truck Owners Association. The filing of the application was noted in the Commission's Transportation Calendar on August 8 and 23, 1989. There have been no protests or requests for a hearing.

Findings of Fact

1. The petition requests authority to apply the Northern Territory rate scale to shipments of crushed limestone (used in the manufacture of glass), which originate at a quarry located a few miles south of the southern border of the Northern Territory.

2. The shipper is charged a 10% surcharge due to the origin of the shipments being located on the northern edge of the Southern Territory.

3. Authorizing the deviation will eliminate the 10% surcharge and enable the shipper to compete on an equal basis with Northern Territory quarry operators.

4. Applicant will be transporting 6,800 tons of crushed limestone per year, with individual shipments averaging 54,000 pounds.

5. Trucks will be loaded and unloaded by gravity, without cost to applicant.

6. A half hour is allowed for loading and the same period for unloading. Excess time will be assessed \$15 for the first 30 minutes or fraction thereof, and \$5 for each additional 15 minutes, or fraction thereof.

7. If subhaulers are employed they will be paid no less than the rate authorized, without deduction for the use of applicant's trailing equipment.

8. The proposed deviation will apply only when the carrier's equipment was first used to transport bulk shipments of silica sand from Ione or Byron to Madera, at MRT 7-A rates.

9. Cost data submitted with the application indicate 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.

O R D E R

IT IS ORDERED that:

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

This order is effective today.

Dated FEB 07 1990, at San Francisco, California.

G. MITCHELL WLK
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

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APPENDIX A

Carrier: T & T Trucking, Inc. (T & T)

Commodity: Limestone, ground or pulverized, in bulk.

Origin: Lime Mountain Company quarry 25 mile west of Paso Robles.

Destination: Madera

Minimum Weight: 52,000 pounds (26 tons) per unit of equipment.

Rate: \$0.5845 cents per 100 pounds (\$11.69 per ton).

Conditions:

1. Rate applies only when:
 - a. Consignor loads and Consignee unloads without expense to carrier.
 - b. Shipment is loaded and unloaded by gravity.
2. Rate includes one-half hour for loading and one-half hour for unloading computed from the time T & T'S equipment is tendered to Consignor or Consignee. Excess time will be assessed \$15 for the first 30 minutes or fraction of that time and \$5 for each additional 15 minutes or fraction of that time.
3. Any subhauler employed shall be paid no less than the rate authorized without a deduction for the use of T & T's trailing equipment.
4. In all other respects, the rates and rules in Minimum Rate Tariff 7-A shall apply.
5. Rate applies only when carrier's equipment employed in the above transportation terminates at Madera transporting bulk shipments of silica sand at rate provided in MRT 7-A from Ione or Byron.

(END OF APPENDIX A)