

Decision 90 02 012 FEB 07 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Original application of APEX BULK  
COMMODITIES for authority to  
deviate from the otherwise  
applicable minimum rates for the  
transportation of bulk gypsum  
for the account of National  
Cement Company of California, Inc.

ORIGINAL

Application 89-08-039  
(Filed August 25, 1989)

O P I N I O N

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

Applicant holds authority to operate as a highway contract carrier, highway common carrier, cement carrier, dump truck carrier, and an agricultural carrier, under permits issued by this Commission.

Applicant is requesting authority to deviate from the minimum rates in Minimum Rate Tariff 7-A (MRT 7-A) on the transportation of gypsum in bulk from U.S. Gypsum Company, Ocotillo Wells, California to National Cement Company, Los Robles, California. The rate on the movement would be \$16.00 per ton, with a minimum weight of 24 tons per load. A letter of support from the shipper dated August 3, 1989 states that approximately 25,000 tons of gypsum is processed annually.

The proposed transportation will be a backhaul on the (primary) transportation of grape pomace from Famoso, California to Escondido, California, at \$18.66 per ton, on a minimum weight of 26 tons. The proposed transportation at the deviated rate will be performed at the convenience of applicant, to be hauled on an "as needed" basis.

Subhaulers will not be used since the transportation is performed at applicant's convenience. If they are employed, they will be paid 100% of the MRT 7-A tariff rate.

Applicant has provided a balance sheet and a separate income statement, both dated December 31, 1988. Operating cost and projected revenue are included on separate forms, which show that the proposed transportation will be profitable.

Notice of the filing of the application was provided in the Commission's Transportation Calendar on September 1, 1989, and copies of the application were mailed to the California Trucking Association and the California Dump Truck Owners Association. There have been no protests or requests for hearing. The Commission's Transportation Division staff has recommended that the application be granted by ex parte order.

Findings of Fact

1. Applicant is authorized to operate as a dump truck carrier.
2. Applicant requests authority to deviate from the minimum rates provided in MRT 7-A on the transportation of gypsum in bulk from U.S. Gypsum Company, Ocotillo Wells, California to National Cement Co., Los Robles, California. The gypsum will be moved as a backhaul to the transportation of grape pomace from Famoso to Escondido.
3. The proposed rate will be \$16.00 per ton on a minimum weight of 24 tons per load.
4. The shipper has provided a letter in support of the application.
5. Applicant will be transporting approximately 25,000 tons of gypsum per year.
6. The proposed transportation is a backhaul to be performed at applicant's convenience.
7. Cost data submitted with the application indicates that transportation performed at the proposed rate will be compensatory.

8. The proposed rate is reasonable.
9. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.
2. Under Public Utilities Code § 3666, the authority granted in the following order should expire in one year.
3. This order should be made effective on the date signed because there is an immediate need for rate relief.

O R D E R

IT IS ORDERED that:

1. Apex Bulk Commodities 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 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

APPENDIX A

Carrier: Apex Bulk Commodities.

Shipper: National Cement Company of California, Inc.

Commodity: Gypsum in bulk.

Origin: U.S. Gypsum Company, Ocotillo Wells.

Destination: National Cement Co., Los Robles.

Rate: \$16.00 per ton.

Minimum Weight: 24 tons per load.

Conditions:

1. This deviated rate will be applicable only when the transportation is performed as a backhaul to the movement of grape pomace from Famoso to Escondido.
2. If subhaulers are used they will be paid 100% of the MRT 7-A tariff rate.
3. In all other respects, the provisions of MRT 7-A shall apply to this transportation.

(END OF APPENDIX A)