

Decision 90 07 046 JUL 18 1990

ORIGINAL

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)
 transportation of sand, rock,)
 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.)

Case 9819
 Petition for Modification 119
 (Filed February 27, 1990)

O P I N I O N

Transit Mixed Concrete Co. (petitioner) is a California corporation engaged in the business of producing, distributing and selling rock, sand and gravel.

Petitioner has applied for modification of Section 3 of Minimum Rate Tariff (MRT) 17-A to include its new ready mix concrete plant, located at 610 North Mission Road as a separate Delivery Point under the Area-to-Point rates applicable in Item 3020 of the tariff.

MRT 17-A includes rates for the transportation of rock, sand, and gravel in dump truck equipment from defined production areas to designated delivery zones and points.

Delivery points and Area-to-Point Rates are listed in Section 3 of the tariff. Item 3020 provides that rates to Delivery Points listed in Section 3 shall be three cents (\$0.03) per ton less than the otherwise applicable rates to the zones provided within the tariff. The Area-to-Point rates listed apply to designated receiving and storage facilities where more favorable operating conditions for carriers exist, relative to those which are generally associated with the transportation of rock products.

The new location is situated in Delivery Zone 19374, and is within close proximity to petitioner's existing delivery point located at 625 Lamar Street, Los Angeles, California, also in Delivery Zone 19374. A map overlay showing the location of the two sites is attached to the petition.

The plant at 610 North Mission Road has been operated by petitioner since June 13, 1989, as a result of the purchase by petitioner from Tutor-Saliba Construction Co. Petitioner now owns exclusive rights to operate the plant.

By Decisions (D.) 57675 and 80810, the Commission established certain qualifying criteria for the inclusion of proposed locations in the official listing of delivery points as indicated in Tariff Page 3-6, and more importantly for entitlement to the benefits and 3 cents per ton rate discount accruing to entities included in the official listing of delivery points. The affidavit of John Young, Vice-President of petitioner, included with the petition, confirms that petitioner meets the designated criteria established in the referenced decisions, as follows:

- (a) Petitioner's facility permits the receipt of shipments transported by dump-truck-and-trailer units; and adequate space is available for the transfer of trailer bodies to dump trucks within 150 feet of the dumping point of the shipment.
- (b) Petitioner has received or expects to receive 1,000 tons of product per year.
- (c) Petitioner maintains personnel on duty while transportation service is being furnished, for the purpose of signing delivery tickets and performing other functions necessary to the receipt of shipments.
- (d) Petitioner's facilities include space for bunker reception or stock piling of rock and/or sand in quantities of at least 50 tons at one time.

- (e) The average time for loading and unloading per dump truck and trailer combinations does not exceed 30 minutes per 24 tons.

Petitioner asserts that granting this petition will not result in rate discrimination in favor of petitioner and against competing entities, under the rationale established and adopted by the Commission in D.57675 and 80810.

The inclusion of this site in the published listing of Area-to-Point locations will enable petitioner to service its customers in a more economical manner, and will eliminate existing rate discrimination now favoring competing rock and sand producers. Further, it will enable petitioner to operate both of its plants located within Delivery Zone 19374 from a common rate base.

Petitioner believes that the granting of this petition will have no adverse effect on the environment nor significantly affect energy efficiency.

Copies of this petition were served on all parties known by petitioner to have an interest in this petition. Those parties include four carrier associations and two shipper associations.

The filing of the petition was noticed in the Commission's Daily Transportation Calendar. There have been no protests or requests for a hearing.

Findings of Fact

1. Petitioner requests that MRT 17-A be modified to list its plant at 610 North Mission Road, in Delivery Zone 19374, as a separate Delivery Point under the Area-to-Point rates applicable under Item 3020 of the tariff.
2. Petitioner's plant is located near other installations listed in the tariff item and has facilities equivalent to those in the other listings.
3. Locations not listed in Item 3020 are required to pay 3 cents more per ton on all delivered rock, sand, and gravel.

4. Including petitioner's plant in this Section 3 item will enable it to compete on an equal basis with the other plants that are listed therein.

5. The rates adopted in this 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. Section 3 of MRT 17-A should be amended to include the Transit Mixed Concrete Co. plant located at 610 North Mission Road as a separate Delivery Point authorized to charge Area-to-Point rates.

2. The petition should be granted as set forth in the following ordering paragraphs.

3. The effective date of this order should be today because there is an immediate opportunity for the rate relief.

O R D E R

IT IS ORDERED that:

1. Section 3 of Minimum Rate Tariff 17-A (MRT 17-A) (Appendix C to Decision (D.) 80578, as amended) is further amended by incorporating Fourteenth Revised Page 3-5 and Fifteenth Revised Page 3-6, attached, to become effective 30 days after today.

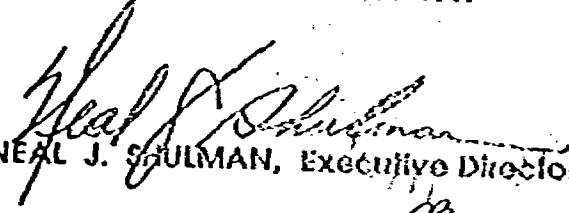
2. In all other respects, D.80578, as amended, shall remain in full force and effect.

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

4. The petition is granted as set forth above.
This order is effective today.
Dated JUL 18 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


NEAL J. SULMAN, Executive Director

MINIMUM RATE TARIFF 17-A

SECTION 3--AREA-10-POINT RATES (Continued)

LIST OF DELIVERY POINTS (Continued)

Delivery Point	Delivery Zone
Pacific Rock & Gravel Co. 24700 Wilmington Avenue, Carson.....	19245
Pacific Western Industries, Inc. 9614 South Santa Fe Springs Road, Santa Fe Springs.....	19429
Pearman & Sons 14105 South Normandie Avenue, Gardena.....	19219
Pomona Block Co., Inc. 4791 Arrow Highway, Montclair.....	36048
Pre-Mixed Concrete Company 3750 Kaymar Drive, Carlsbad.....	37327
550 North Tullip Street, Escondido.....	37343
6630 Carroll Road, San Diego.....	37412
9300 Friars Road, San Diego.....	37438
389 Hollister Street, San Diego.....	37925
Puente Ready Mix, Inc. 209 North California Avenue, City of Industry.....	19385
Rancho Ready Mix 1150 South Rancho Avenue, Colton.....	36059
Richardson Mill & Lumber Co. 9613 East Whittier Boulevard, Pico-Rivera.....	19422
San Dimas Ready Mix Concrete Co. 536 Arrow Highway, San Dimas.....	19332
Skyline Concrete Sales Co. 6969 Deering Avenue, Canoga Park.....	19051
8001 Fair Avenue, Sun Valley.....	19057
9010 Norris Avenue, Sun Valley.....	19040
Southern Pacific Milling Co. 50 South Kellogg Avenue, Goleta.....	42030
Spragues' Rock & Sand Co. 235 East Live Oak Avenue, Irwindale.....	19337
Standard Ready Mix 2130 South Grand, Santa Ana.....	30052
7591 Hazard, Westminster.....	30042
Sully-Miller Contracting Company Blue Diamond Materials-Division 17706 South Main Street, Carson.....	19224
9505 Jefferson Blvd., Culver City.....	19189
7221 Ellis Ave., Huntington Beach.....	30061
441 Railroad Place, Inglewood.....	19202
2818 Batranca Road, Irvine.....	30073
1245 East Arrow Highway, Irwindale.....	19337
32nd Street at Walnut Ave., Long Beach.....	19465
1650 South Alameda St., Los Angeles.....	19176
10420 Belle Grave, Mira Loma.....	33012
26772 Avery Parkway, Mission Viejo.....	30100
980 North Hewes Ave., Orange.....	30028
6145 Santiago Canyon Road, Orange.....	30027
4127 W. MacArthur Blvd., Santa Ana.....	30063
12976 E. Firestone Blvd., Santa Fe Springs.....	19441
5625 Southern Ave., South Gate.....	19444
20900 S. Normandie Ave., Torrance (P.O.).....	19232
15th Street at Benson Ave., Upland.....	36017
20903 Currier Road, Walnut.....	19405

No Change on this Page, Decision **90 07 046**

EFFECTIVE

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

Correction

SECTION 3--AREA-TO-POINT RATES (Concluded)

LIST OF DELIVERY POINTS (Concluded)

Delivery Point	Delivery Zone
Transit Mixed Concrete Co.	
942 Azusa Avenue, City of Industry.....	19408
9961 Valencia, El Toro.....	30070
16161 Construction Circle East, Irvine.....	30073
2400 East South Street, Long Beach (P.O.).....	19456
625 Lamar Street, Los Angeles.....	19374
1000 North La Brea Avenue, Los Angeles.....	19141
*610 North Mission Road, Los Angeles.....	19374
1501 West Taft Avenue, Orange.....	30024
1310 East Grand Avenue, Pomona.....	19355
4401 West MacArthur Blvd., Santa Ana.....	30063
12222 East Florence Blvd., Santa Fe Springs.....	19438
8760 Bradley Avenue, Sun Valley.....	19040
14528 Edwards Street, Westminster.....	30041
13522 Hoover Street, Westminster.....	30042
Tri-City Concrete	
238 East 2nd Street, Perris.....	33077
8203 Alabama Street, Redlands.....	36031
7747 Evans Street, Riverside.....	33045
1910 West 7th Street, San Bernardino.....	36026
2006 North Campus, Upland.....	36018
United Premix, Inc.	
16282 Construction Circle East, Irvine.....	30073
United Ready Mixed Concrete Co.	
11725 Artesia Boulevard, Artesia.....	19450
4988 Firestone Boulevard, South Gate.....	19207
Upland Concrete Products Co.	
1337 Bowen, Upland.....	36046
Valley Ready-Mix	
505 South Benson Avenue, Ontario.....	36050
Valley Wide Ready Mixed Concrete Corp.	
13950 East Los Angeles Avenue, Moorpark.....	56076
Vernon Asphalt Materials Co.	
345 Walnut Avenue, Gardena.....	19225
501 Railroad Place, Inglewood.....	19202
3100 Bandini Boulevard, Vernon.....	19418
Wagnild Ready Mixed Concrete Co.	
15203 Oxnard Street, Van Nuys.....	19072
Western Rock Co.	
4952 Arrow Highway, Montclair.....	36048
Willway, Inc., J.	
8555 East Whittier Boulevard, Pico-Rivera.....	19422
Yeager Construction Co., Inc., E. L.	
1995 Agua Mansa Road, Riverside.....	33007

* Change)
 * Addition) Decision 90 07 037

EFFECTIVE

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

Correction