

Decision 90 11 020 NOV 08 1990

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 128
(Filed July 30, 1990)

O P I N I O N

Superior Rock Products, Inc. (petitioner) has filed to request a modification of Minimum Rate Tariff (MRT) 17-A and Southern California Production Area and Delivery Zone Directory 1.

Petitioner is a California corporation in the business of producing, marketing, and distributing rock, sand, gravel, and related products by independent carriers, out of its facility located at 5180 Convoy Street, San Diego, to various points in San Diego County and to adjacent areas in Riverside County. A copy of its Articles of Incorporation is attached as Appendix A to the original petition in this proceeding, in compliance with Rule 16 of the Commission's Rules of Practice and Procedure.

Zone delivery rates are not now available for Item 60 commodities from petitioner's San Diego County 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 alleges that establishing zone rates from its facility in San Diego County will enable it to compete with other rock and sand producers who already charge the rates.

A copy of the application was served on the California Dump Truck Owners Association, Associated Independent Owner Operators, Inc., California Carriers Association, California Asphalt Plant Association, Department of Transportation of the State of California, and San Diego County Rock Producers Association. The filing of the application was noted in the Commission's Daily Transportation Calendar of August 8, 1990. There have been no protests or requests for hearing.

The Transportation Division has recommended that the petition be granted.

Findings of Fact

1. Petitioner produces and sells rock, sand, gravel, and related products out of its facility in San Diego County. Independent carriers haul the products to various points in San Diego County.

2. Petitioner is applying to have its facility in San Diego County designated as a commercial production area and to establish zone rates on Item 60 commodities from this production area to all zones in San Diego County, and to the Rancho California area of Riverside County.

3. Petitioner is now operating with difficulty since its competitors are authorized to charge zone rates.

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

5. A public hearing is not necessary.

Conclusions of Law

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

2. Southern California Production Area and Delivery Zone Directory 1 should be amended to accommodate petitioner's San Diego facility as a new production area.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff (MRT) 17-A (Appendix C to Decision (D.) 80578, as amended) is further amended by incorporating Original Page 8-ZZ and Original Page 8-ZZ-1, attached, to become effective 30 days from today.
2. Southern California Production Area and Delivery Zone Directory 1 (Appendix A to D.69469, as amended) is further amended by incorporating Seventh Revised Page 252.3 and Seventh Revised Page 252.4, attached, to become effective 30 days from today.
3. In all other respects, D.80578 and D.69469, 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.
5. The petition is granted as set forth above.

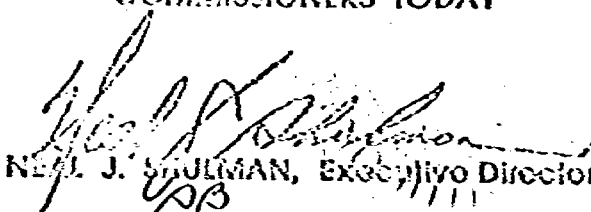
This order is effective today.

Dated NOV 09 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. CHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Stanley W. Hulett,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director

SECTION 8 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-22
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37201 551	37137 415	37244 467	37348 259	37398 444	37448 198	37530 171
37202 513	37138 457	37245 486	37349 269	37399 419	37449 154	37531 209
37203 593	37139 485	37246 515	37350 285	37400 393	37450 172	37532 234
37204 590	37140 453	37301 456	37351 313	37401 185	37451 174	37533 276
37205 606	37141 473	37302 496	37352 354	37402 163	37452 186	37534 262
37206 616	37142 491	37303 455	37353 332	37403 176	37453 198	37535 220
37207 638	37143 491	37304 429	37354 307	37404 155	37454 229	37537 211
37208 650	37201 496	37305 430	37355 298	37405 243	37455 343	37538 139
37209 645	37202 496	37306 459	37356 230	37406 218	37456 323	37539 182
37210 621	37203 520	37307 491	37357 280	37407 193	37457 347	37540 203
37211 621	37204 558	37308 378	37358 267	37408 172	37458 263	37541 219
37212 637	37205 562	37309 411	37359 245	37409 150	37459 274	37542 307
37213 650	37206 548	37310 326	37360 226	37410 125	37460 245	37543 320
37214 638	37207 564	37311 437	37361 244	37411 149	37461 193	37544 430
37101 591	37208 531	37312 463	37362 265	37412 167	37462 212	37545 456
37102 623	37209 495	37313 491	37363 283	37413 136	37463 322	37546 475
37103 554	37210 460	37314 477	37364 209	37414 105	37464 222	37547 496
37104 570	37211 423	37315 464	37365 225	37415 131	37467 222	37548 515
37105 612	37212 400	37316 422	37366 223	37416 117	37468 186	37549 543
37106 597	37213 375	37317 415	37367 251	37417 147	37469 150	37550 572
37107 551	37214 420	37318 398	37368 274	37418 164	37470 84	37551 554
37108 542	37215 375	37319 369	37369 300	37419 176	37501 311	37552 513
37109 517	37216 343	37320 371	37370 333	37420 176	37502 280	37553 650
37110 484	37217 335	37321 373	37371 325	37421 116	37503 305	37554 403
37111 460	37218 353	37322 408	37372 300	37422 102	37504 296	37555 457
37112 482	37219 353	37323 420	37373 299	37423 116	37505 317	37556 484
37113 513	37220 332	37324 462	37374 280	37424 112	37506 342	37559 373
37114 544	37221 546	37325 455	37375 289	37425 112	37507 373	37560 225
37115 533	37222 583	37326 418	37376 329	37426 136	37508 403	37561 213
37116 493	37223 554	37327 401	37377 351	37427 198	37509 397	37562 234
37117 511	37224 526	37328 375	37378 405	37428 215	37510 416	37563 285
37118 554	37225 497	37329 364	37379 434	37429 183	37511 401	37564 164
37119 573	37226 464	37330 351	37380 437	37430 222	37512 373	37565 205
37120 537	37227 449	37331 351	37381 497	37431 165	37513 343	37566 138
37121 535	37228 424	37332 332	37382 514	37432 187	37514 317	37567 145
37122 511	37229 449	37333 367	37383 598	37433 165	37515 274	37601 299
37123 510	37230 475	37334 349	37384 535	37434 134	37516 284	37602 292
37124 533	37231 491	37335 422	37385 515	37435 149	37517 249	37603 332
37125 550	37232 444	37336 413	37386 497	37436 152	37518 247	37604 342
37126 551	37233 404	37337 389	37387 548	37437 132	37519 225	37605 325
37127 536	37234 373	37338 358	37388 521	37438 154	37520 185	37606 350
37128 514	37235 384	37339 345	37389 502	37439 164	37521 205	37607 382
37129 484	37236 411	37340 347	37390 448	37440 165	37522 245	37608 393
37130 480	37237 416	37341 362	37391 424	37441 157	37523 311	37609 409
37131 496	37238 455	37342 332	37392 422	37442 174	37524 346	37610 350
37132 496	37239 453	37343 332	37393 422	37443 178	37525 337	37611 369
37133 438	37240 457	37344 362	37394 452	37444 215	37526 267	37612 422
37134 422	37241 427	37345 327	37395 452	37445 259	37527 241	37613 445
37135 409	37242 456	37346 298	37396 390	37446 306	37528 223	37614 474
37136 390	37243 441	37347 270	37397 413	37447 228	37529 193	37615 499

90 11 020

CHANGE, DECISION

EFFECTIVE Dec. 9, 1990

Correction

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 37-22
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37616 521	37910 251					
37617 537	37911 225					
37618 559	37912 230					
37619 590	37913 236					
37620 623	37914 256					
37621 652	37915 259					
37622 577	37916 271					
37623 601	37917 267					
37624 626	37918 281					
37625 648	37919 357					
37626 668	37920 324					
37627 698	37921 338					
37628 708	37922 360					
37629 728	37923 325					
37630 747	37924 294					
37631 768	37925 298					
37632 787	37926 300					
37633 813	37927 306					
37634 696	37928 357					
37635 677	37929 331					
37636 657	37930 313					
37801 281	37931 317					
37802 310	37932 327					
37803 262	37933 350					
37804 306	37934 332					
37805 320	37935 332					
37806 273	37940 338					
37807 285	37941 368					
37808 310	37942 294					
37809 266	37943 318					
37810 282	37944 319					
37811 309	37950 300					
37812 336	37951 327					
37813 351	37952 349					
37814 387	37953 373					
37815 413	37954 394					
37816 415	37955 418					
37817 393	37956 440					
37818 372	37957 469					
37819 340	37958 496					
37820 320	37959 515					
37901 222	37960 544					
37902 215	37961 529					
37903 208						
37904 212						
37905 219						
37906 262						
37907 249						
37908 287						
37909 273						

CHANGE, DECISION

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EFFECTIVE Dec. 9, 1990

Correction

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

DIRECTORY 1

SECTION 5--SAN DIEGO COUNTY PRODUCTION AREAS AND DELIVERY ZONES (Continued)	
SAN DIEGO COUNTY PRODUCTION AREAS	AREA
Beginning at the intersection of Ranchoanita Dr. and Mission Gorge Rd.; west on Mission Gorge Rd. and Fr. Junipero Serra Rd. a distance of 1-1/2 miles (vicinity of Old Mission Dam); north to the San Diego River; easterly along the San Diego River to a point where the northerly extension of Ranchoanita Dr. intersects the San Diego River; southerly on said extension to the point of beginning.	37-0
All of the land included in the northwest quarter of the northwest quarter of Section 2, T. 19 S., R. 2 W., S66M (westerly side of Dairy Mart Rd., southerly of the Tia Juana River).	37-00
Beginning at the junction of Riverford Rd. and Woodside Ave.; southwesterly along Woodside Ave. to Magnolia Ave.; northerly along Magnolia Ave. to (Old) Magnolia Ave.; westerly along (Old) Magnolia Ave. to Cottonwood Ave.; northerly along Cottonwood Ave. to Mast St.; easterly along Mast St. to Magnolia Ave.; northerly along Magnolia Ave. to El Nopal; easterly along El Nopal to Riverford Rd.; southerly along Riverford Rd. to the point of beginning.	37-P
All of the land included in the northeast quarter of Section 2, T. 19 S., R. 2 W., S65M, lying southwesterly of Interstate Hwy. 5 (near Cottonwood Rd. and adjacent to and astride the Tia Juana River).	37-PP
Beginning at the junction of Cherry Rd. and Westhill Rd.; southwesterly and westerly along Cherry Rd. to Golden Ridge Rd.; southwesterly along Golden Ridge Rd. to its junction with Jessica Ln.; westerly along a direct line to a point southeast of the junction of Shadowhill Rd. and Meadow Terrace Dr.; northwest to said junction; northwesterly along Shadowhill Rd. to Woodside Ave.; northeasterly and easterly along Woodside Avenue to Marilla Dr.; southerly along Marilla Dr. to Westhill Rd.; southerly along Westhill Rd. to the point of beginning.	37-0
All points northerly of Highland Valley Rd. and within a one-mile radius of the intersection of said Highland Valley Rd. and an unnamed road leading northerly from Highland Valley Rd. approximately 2.7 miles easterly of Pomerado Rd. This area is in the vicinity of the upper end of Lake Rodges.	37-00
Beginning at the intersection of Lakeside Ave. and State Hwy. 67; southerly along State Hwy. 67 to Woodside Ave.; westerly along Woodside Ave. to Riverford Rd.; northerly along Riverford Rd. to Riverside Dr.; easterly along Riverside Dr. to Lakeside Ave.; easterly along Lakeside Ave. to the point of beginning.	37-R
All points southerly of Dehesa Rd. and within a one-mile radius of the intersection of Dehesa Rd. and the private road leading to the Consolidated Rock Company production plant approximately 1.2 miles east of the intersection of Willow Glen and Dehesa Rd. in San Diego County.	37-RR
Beginning at the junction of Willow Rd. and Virden St.; southerly along Virden St. to El Monte Rd.; southerly along El Monte Rd. and Julian Ave. to Lake Jennings Park Rd.; westerly along Lake Jennings Park Rd. and Maple View St. to State Hwy. 67; northerly along State Hwy. 67 to Morena Ave.; northeasterly along Morena Ave. to Willow Rd.; easterly along Willow Rd. to the point of beginning.	37-S
All of the land included in the northeast quarter of Section 32, Township 9 South, Range 2 West, San Bernardino Base and Meridian (generally westerly of Pala Mission).	37-SS
No change on this page, Decision 90 11 020	
EFFECTIVE Dec. 9, 1990	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

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. S65M.
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, S55M and the north-south center line of Section 22, T.12S, R3W, S55M; 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, S55M; south along said prolongation and the eastern boundary line of Section 14 and Section 23, T.12S, R3W, S55M to the south boundary line of Section 23, T.12S, R3W, S55M; westerly along said boundary line and south boundary line of Section 22, T.12S, R3W, S55M, 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.
*37-ZZ	Beginning at the intersection of San Clemente Canyon and Convoy Street, northerly to the security fence surrounding WAS Miramar, westerly along said fence to the San Diego Gas and Electric overhead electrical power transmission line easement, southeasterly along the San Diego Gas and Electric easement to San Clemente Canyon, then easterly along the north rim of the San Clemente Canyon to the point of beginning.

* Addition, Decision

90 11 020

EFFECTIVE Dec. 9, 1990

Correction

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