

ALJ/BRS/dyk

Decision 91-03-037 March 22, 1991

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 132
(Filed November 16, 1990)

O P I N I O N

Industrial Asphalt (Petitioner) has filed to request a modification of Minimum Rate Tariff 17-A (MRT 17-A).

Petitioner is a California joint-venture partnership in the business of producing, marketing, and distributing asphaltic concrete products using independent carriers, out of its facilities located in existing Production Areas 37A, 37TT, and 37W, in San Diego County, to various points in the San Diego zone system. Copies of its Joint-Venture Partnership Agreement have been previously filed in Case 9819, Petitions 126 and 127, in compliance with Rule 16 of the Commission's Rules of Practice and Procedure.

Petitioner desires to have zone rates established for Item 65 commodities from Production Areas 37A, 37TT, and 37W to the same zones in the San Diego zone system, including those in the Rancho California area (Nos. 33201 to 33214 inclusive), as now established for Item 60 commodities. Petitioner alleges that establishing those zone delivery rates will enable petitioner to compete with other 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 Pavement Association, San Diego County Rock Producers Association, and Department of Transportation of the State of California. The filing of the application was noted in the Commission's Daily Transportation Calendar of November 26, 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 asphaltic concrete products out of its facilities in San Diego County. Independent carriers haul the products to various points in the San Diego zone system.

2. Petitioner is applying to establish zone rates on Item 65 commodities from its production areas to various delivery zones in the San Diego zone system.

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.

Conclusion of Law

MRT 17-A should be amended to extend zone rates for Item 65 commodities from Petitioner's San Diego County production areas to the same zones in the San Diego zone system as now established for Item 60 commodities.

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 the tariff pages shown in Appendix A, attached, to become effective 30 days from 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.

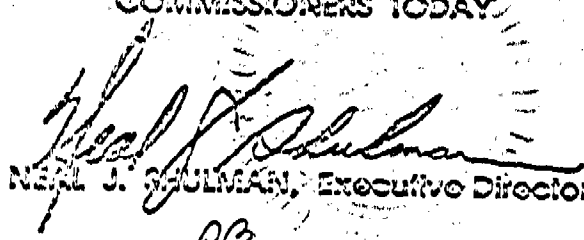
4. The petition is granted as set forth above.

This order is effective today.

Dated March 22, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL WM. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SCHULMAN, Executive Director

C. 9819, Pet. 132

APPENDIX A

LIST OF ORIGINAL PAGES TO
MINIMUM RATE TARIFF 17-A

ORIGINAL PAGE 15.6-A
ORIGINAL PAGE 15.6-A-1
ORIGINAL PAGE 15.6-TT
ORIGINAL PAGE 15.6-TT-1
ORIGINAL PAGE 15.6-W
ORIGINAL PAGE 15.6-W-1

(END OF APPENDIX A)

SECTION 15.6 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 65

FROM SAN DIEGO COUNTY PRODUCTION AREA 17-A
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
30066 852	37117 413	37224 203	37328 427	37378 349	37439 585	37550 738
30067 890	37118 386	37225 237	37329 437	37379 386	37440 599	37551 754
30068 852	37119 329	37226 264	37330 457	37380 308	37442 609	37552 771
30069 815	37120 291	37227 281	37331 460	37381 251	37455 494	37553 812
30070 819	37121 291	37228 335	37332 464	37382 264	37456 504	37554 812
30071 842	37122 264	37229 352	37333 467	37383 356	37457 467	37555 867
30093 852	37123 261	37230 322	37334 470	37384 332	37458 525	37556 890
30094 832	37124 295	37231 366	37335 410	37385 312	37459 555	37559 477
30095 815	37125 301	37232 359	37336 406	37386 295	37460 572	37560 454
30096 822	37126 335	37233 383	37337 406	37387 345	37461 596	37561 474
30097 758	37127 318	37234 400	37338 386	37388 359	37462 643	37562 481
30098 718	37128 295	37235 362	37339 376	37389 339	37463 511	37563 443
30099 775	37129 241	37236 362	37340 352	37390 383	37466 518	37564 518
30100 744	37130 234	37237 369	37341 322	37391 413	37467 518	37565 508
30101 757	37131 264	37238 274	37342 366	37392 386	37468 525	37566 565
30102 697	37132 278	37239 301	37343 349	37393 443	37469 568	37567 568
30103 717	37133 484	37240 322	37344 403	37394 366	37470 541	37612 775
30114 670	37134 470	37241 295	37345 447	37395 379	37501 396	37613 795
30117 639	37135 460	37242 325	37346 470	37396 477	37502 406	37614 819
30118 623	37136 447	37243 322	37347 501	37397 447	37503 420	37615 839
33201 298	37137 470	37244 345	37348 531	37398 487	37504 423	37616 859
33202 234	37138 464	37245 352	37349 504	37399 450	37505 440	37617 873
33203 258	37139 379	37246 379	37350 491	37400 484	37506 464	37618 893
33204 391	37140 359	37301 227	37351 474	37401 602	37507 494	37619 920
33205 315	37141 349	37302 301	37352 470	37402 609	37508 528	37620 950
33206 322	37142 315	37303 274	37353 474	37403 612	37509 582	37621 974
33207 339	37143 285	37304 268	37354 481	37404 592	37510 572	37622 910
33208 352	37201 203	37305 278	37355 504	37405 413	37511 589	37623 933
33209 345	37202 183	37306 295	37356 518	37406 437	37512 602	37624 957
33210 325	37203 156	37307 291	37357 514	37407 464	37513 596	37625 977
33211 332	37204 149	37308 420	37358 535	37408 484	37514 575	37626 994
33212 349	37205 173	37309 386	37359 538	37409 494	37515 531	37627 1011
33213 372	37206 197	37310 400	37360 558	37410 504	37516 474	37628 1028
33214 400	37207 217	37311 366	37361 535	37411 535	37517 440	37629 1045
37101 623	37208 251	37312 335	37362 501	37412 548	37518 420	37630 1062
37102 656	37209 291	37313 308	37363 487	37413 562	37519 460	37631 1079
37103 585	37210 315	37314 342	37364 562	37414 579	37520 474	37632 1096
37104 602	37211 301	37315 335	37365 548	37415 575	37521 484	37633 1119
37105 643	37212 325	37316 295	37366 541	37417 602	37522 504	37634 849
37106 606	37213 342	37317 268	37367 508	37418 626	37523 572	37635 832
37107 558	37214 288	37318 285	37368 481	37419 639	37524 606	37636 815
37108 575	37215 322	37319 315	37369 454	37420 639	37525 640	37803 683
37109 555	37216 345	37320 315	37370 423	37421 579	37542 687	37804 727
37110 525	37217 369	37321 354	37371 393	37422 528	37543 670	37805 738
37111 504	37218 379	37322 359	37372 379	37423 538	37544 612	37806 693
37112 528	37219 379	37323 379	37373 362	37424 548	37545 636	37807 700
37113 545	37220 400	37324 356	37374 379	37435 582	37546 653	37808 727
37114 511	37221 166	37325 372	37375 406	37436 588	37547 670	37809 687
37115 470	37222 203	37326 416	37376 383	37437 532	37548 687	37810 697
37116 447	37223 312	37327 440	37377 413	37438 575	37549 710	37811 724

CHANGE, DECISION 91-03-037

EFFECTIVE April 21, 1991

Correction

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

SECTION 15.6 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 65

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

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37812 751						
37813 775						
37814 798						
37815 802						
37816 778						
37817 754						
37818 778						
37819 744						
37820 727						
37941 778						
37942 710						
37943 731						
37944 795						
37950 710						
37951 734						
37952 754						
37953 775						
37954 792						
37955 815						
37956 835						
37957 862						
37958 890						
37959 906						
37960 937						
37961 971						

CHANGE, DECISION 91-03-037 EFFECTIVE April 21, 1991

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SAN FRANCISCO, CALIFORNIA.

Correction

SECTION 15.6 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 65

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

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
33201 427	37137 312	37244 362	37348 274	37394 183	37448 498	37530 457
33202 487	37138 352	37245 372	37349 251	37399 170	37449 494	37531 494
33203 457	37139 322	37246 400	37350 227	37400 163	37450 467	37532 518
33204 457	37140 301	37301 339	37351 210	37401 362	37451 470	37533 565
33205 470	37141 312	37302 332	37352 193	37402 372	37452 481	37534 545
33206 477	37142 305	37303 335	37353 210	37403 406	37453 494	37536 501
33207 494	37143 295	37304 312	37354 227	37404 386	37454 528	37537 494
33208 508	37201 372	37305 315	37355 251	37405 278	37455 251	37538 474
33209 501	37202 372	37306 325	37356 261	37406 301	37456 264	37539 467
33210 481	37203 393	37307 301	37357 258	37407 329	37457 231	37540 487
33211 487	37204 430	37308 278	37358 278	37408 349	37458 376	37541 504
33212 504	37205 457	37309 301	37359 281	37409 359	37459 403	37542 552
33213 528	37206 470	37310 278	37360 308	37410 369	37460 372	37543 535
33214 555	37207 491	37311 301	37361 288	37411 400	37461 366	37544 477
37101 464	37208 460	37312 274	37362 298	37412 413	37462 403	37545 501
37102 498	37209 423	37313 285	37363 305	37413 410	37463 247	37546 518
37103 427	37210 386	37314 251	37364 325	37414 423	37464 383	37547 535
37104 443	37211 349	37315 251	37365 322	37415 400	37467 383	37548 542
37105 484	37212 329	37316 308	37366 342	37416 423	37468 389	37549 575
37106 484	37213 305	37317 298	37367 322	37417 400	37469 410	37550 602
37107 437	37214 301	37318 288	37368 332	37418 427	37470 406	37551 619
37108 414	37215 268	37319 261	37369 318	37419 467	37501 261	37552 636
37109 396	37216 241	37320 227	37370 288	37420 467	37502 271	37553 677
37110 366	37217 234	37321 203	37371 258	37421 437	37503 298	37554 477
37111 345	37218 274	37322 203	37372 244	37422 393	37504 288	37555 531
37112 369	37219 305	37323 190	37373 227	37423 403	37505 305	37556 555
37113 394	37220 298	37324 234	37374 244	37424 413	37506 329	37559 362
37114 430	37221 420	37325 224	37375 271	37425 437	37507 359	37560 314
37115 396	37222 457	37326 203	37376 234	37426 450	37508 393	37561 319
37116 386	37223 433	37327 234	37377 264	37427 487	37509 467	37562 345
37117 356	37224 450	37328 261	37378 234	37428 511	37510 437	37563 308
37118 410	37225 420	37329 264	37379 271	37429 470	37511 454	37564 383
37119 423	37226 386	37330 264	37380 322	37430 508	37512 467	37565 372
37120 413	37227 372	37331 251	37381 349	37431 450	37513 460	37566 430
37121 406	37228 352	37332 251	37382 362	37432 474	37514 440	37567 433
37122 386	37229 379	37333 220	37383 433	37433 457	37515 396	37601 558
37123 383	37230 404	37334 207	37384 362	37434 450	37516 339	37602 568
37124 413	37231 427	37335 197	37385 342	37435 447	37517 305	37603 568
37125 393	37232 383	37336 173	37386 325	37436 450	37518 285	37604 545
37126 389	37233 339	37337 160	37387 376	37437 416	37519 325	37605 574
37127 342	37234 274	37338 180	37388 349	37438 440	37520 339	37606 582
37128 339	37235 288	37339 190	37389 329	37439 450	37521 349	37607 612
37129 362	37236 308	37340 224	37390 325	37440 464	37522 369	37608 616
37130 345	37237 315	37341 258	37391 322	37441 450	37523 437	37609 629
37131 322	37238 335	37342 207	37392 298	37442 474	37524 470	37610 555
37132 322	37239 339	37343 217	37393 278	37443 474	37525 514	37611 572
37133 325	37240 342	37344 173	37394 278	37444 504	37526 555	37612 639
37134 312	37241 312	37345 210	37395 261	37445 555	37527 528	37613 660
37135 301	37242 339	37346 234	37396 247	37446 606	37528 511	37614 683
37136 288	37243 366	37347 264	37397 227	37447 514	37529 477	37615 704

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Correction

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

SECTION 15.6 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 65

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

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37616 726	37910 534					
37617 738	37911 508					
37618 758	37912 514					
37619 785	37913 528					
37620 815	37914 541					
37621 834	37915 541					
37622 775	37916 555					
37623 798	37917 548					
37624 922	37918 562					
37625 862	37919 673					
37626 859	37920 636					
37627 876	37921 650					
37628 893	37922 633					
37629 910	37923 602					
37630 927	37924 572					
37631 944	37925 575					
37632 960	37926 579					
37633 984	37927 582					
37634 714	37928 629					
37635 697	37929 602					
37636 680	37930 589					
37801 562	37931 596					
37802 585	37932 606					
37803 548	37933 629					
37804 592	37934 609					
37805 602	37935 606					
37806 548	37940 612					
37807 565	37941 643					
37808 592	37942 575					
37809 552	37943 596					
37810 562	37944 650					
37811 589	37950 575					
37812 616	37951 599					
37813 639	37952 619					
37814 665	37953 639					
37815 647	37954 654					
37816 643	37955 680					
37817 619	37956 700					
37818 643	37957 727					
37819 609	37958 754					
37820 592	37959 771					
37901 514	37960 402					
37902 504	37961 835					
37903 498						
37904 501						
37905 498						
37906 548						
37907 538						
37908 568						
37909 548						

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SAN FRANCISCO, CALIFORNIA.

Correction

SECTION 15.6 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 65

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

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
33201 692	37137 494	37244 534	37344 356	37394 534	37444 193	37530 193
33202 663	37138 534	37245 540	37349 369	37399 491	37449 190	37531 227
33203 633	37139 565	37246 575	37350 386	37400 487	37450 175	37532 251
33204 633	37140 434	37301 514	37351 413	37401 291	37451 190	37533 301
33205 646	37141 555	37302 545	37352 454	37402 274	37452 200	37534 274
33206 653	37142 472	37303 511	37353 470	37403 291	37453 207	37536 234
33207 670	37143 552	37304 487	37354 396	37404 264	37454 224	37537 227
33208 683	37201 544	37305 491	37355 393	37405 325	37455 430	37538 207
33209 677	37202 544	37306 521	37356 376	37406 305	37456 433	37539 200
33210 656	37203 564	37307 552	37357 376	37407 288	37457 450	37540 220
33211 663	37204 606	37308 460	37358 366	37408 271	37458 369	37541 231
33212 680	37205 633	37309 494	37359 342	37409 291	37459 379	37542 325
33213 706	37206 623	37310 470	37360 325	37410 231	37460 349	37543 335
33214 731	37207 643	37311 521	37361 345	37411 258	37461 301	37544 514
37101 646	37208 612	37312 545	37362 362	37412 281	37462 325	37545 538
37102 640	37209 575	37313 558	37363 389	37413 251	37463 420	37546 555
37103 609	37210 434	37314 555	37364 312	37414 217	37464 322	37547 572
37104 674	37211 401	37315 431	37365 325	37415 244	37465 322	37548 509
37105 667	37212 481	37316 484	37366 329	37416 231	37466 299	37549 612
37106 667	37213 457	37317 474	37367 352	37417 255	37467 264	37550 639
37107 614	37214 477	37318 464	37368 379	37418 278	37470 214	37551 656
37108 599	37215 443	37319 437	37369 403	37419 291	37501 393	37552 673
37109 579	37216 416	37320 437	37370 433	37420 291	37502 359	37553 714
37110 444	37217 410	37321 443	37371 403	37421 227	37503 386	37554 494
37111 528	37218 437	37322 477	37372 383	37422 210	37504 376	37555 544
37112 552	37219 437	37323 487	37373 376	37423 190	37505 393	37556 572
37113 479	37220 416	37324 534	37374 359	37424 203	37506 416	37559 450
37114 612	37221 596	37325 524	37375 369	37425 210	37507 447	37560 314
37115 579	37222 631	37326 501	37376 410	37426 234	37508 481	37561 315
37116 564	37223 609	37327 491	37377 437	37427 264	37509 444	37562 329
37117 589	37224 602	37328 464	37378 470	37428 291	37510 504	37563 376
37118 643	37225 572	37329 447	37379 508	37429 241	37511 447	37564 268
37119 424	37226 534	37330 440	37380 498	37430 210	37512 460	37565 308
37120 589	37227 525	37331 440	37381 548	37431 270	37513 433	37566 227
37121 540	37228 504	37332 420	37382 562	37432 210	37514 413	37567 203
37122 562	37229 531	37333 460	37383 653	37433 207	37515 369	37601 325
37123 550	37230 558	37334 447	37384 499	37434 217	37516 369	37602 301
37124 592	37231 479	37335 501	37385 579	37435 173	37517 335	37603 342
37125 599	37232 435	37336 477	37386 562	37436 183	37518 332	37604 359
37126 624	37233 491	37337 457	37387 612	37437 180	37519 312	37605 329
37127 499	37234 450	37338 427	37388 606	37438 154	37520 274	37606 352
37128 574	37235 464	37339 416	37389 583	37439 173	37521 298	37607 383
37129 534	37236 484	37340 423	37390 535	37440 139	37522 339	37608 386
37130 531	37237 491	37341 433	37391 511	37441 156	37523 410	37609 400
37131 558	37238 511	37342 406	37392 511	37442 166	37524 386	37610 362
37132 554	37239 514	37343 410	37393 511	37443 170	37525 392	37611 379
37133 404	37240 514	37344 443	37394 538	37444 207	37526 291	37612 410
37134 494	37241 487	37345 427	37395 538	37445 258	37527 264	37613 430
37135 484	37242 514	37346 396	37396 487	37446 304	37528 247	37614 454
37136 470	37243 514	37347 369	37397 494	37447 217	37529 214	37615 474

CHANGE, DECISION 91-03-037

EFFECTIVE April 21, 1991

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

Correction

SECTION 15.6 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 63

FROM SAN DIEGO COUNTY PRODUCTION ARE 37-W
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37616 494	37910 258					
37617 508	37911 227					
37618 528	37917 234					
37619 444	37913 247					
37620 585	37914 261					
37621 609	37915 261					
37622 545	37916 274					
37623 568	37917 268					
37624 592	37918 281					
37625 612	37919 386					
37626 629	37920 349					
37627 646	37921 362					
37628 663	37922 352					
37629 680	37923 322					
37630 697	37924 291					
37631 714	37925 295					
37632 731	37926 298					
37633 754	37927 301					
37634 751	37928 349					
37635 734	37929 322					
37636 717	37930 308					
37801 295	37931 315					
37802 318	37932 325					
37803 281	37933 349					
37804 325	37934 329					
37805 335	37935 325					
37806 291	37940 332					
37807 298	37941 362					
37808 325	37942 295					
37809 285	37943 315					
37810 295	37944 369					
37811 322	37950 308					
37812 349	37951 332					
37813 372	37952 352					
37814 396	37953 372					
37815 423	37954 389					
37816 413	37955 413					
37817 389	37956 433					
37818 376	37957 460					
37819 342	37958 487					
37820 325	37959 504					
37901 217	37960 535					
37902 224	37961 568					
37903 217						
37904 220						
37905 227						
37906 268						
37907 258						
37908 295						
37909 278						

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SAN FRANCISCO, CALIFORNIA.