

82 02 043 FEB - 4 1982

Decision _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application) of PAR TRUCKING, INC., for the) authority pursuant to the pro-) vision of Section 451 through) 454 of the Public Utilities) Code, to depart from the minimum) rates, rules and regulations of) Minimum Rate Tariff 10.)

Application 61055 (Filed November 18, 1981)

O P I N I O N

By this application^{1/}, Par Trucking, Inc. (Par) seeks authority to depart from the minimum rates, rules, and regulations of Minimum Rate Tariff 10 (MRT-10) and publish a rate of 44 cents per 100 pounds in its common carrier tariff for the transportation of cement from Victorville to Watson (current minimum rate is 47 cents per 100 pounds).

Par cites an unusually favorable backhaul experience and regularity and volume of movement as special circumstances involved with this traffic, making the lower rate compensable. Revenue and expense data submitted by applicant indicate the transportation involved in the application reasonably may be expected to be profitable under the proposed rates.

1/ Following past practice this application should have been docketed as a petition for modification in Case 5440, the continuing proceeding for MRT-10; however, as this decision affects MRT-10 only through alternative rate application we may process this matter as an application.

The proposal is not considered to be a major action significantly affecting energy efficiency within the meaning of Public Utilities (PU) Code Sections 3502.1 and 3502.2.

The application was listed on the Commission's Daily Calendar of November 19, 1981. Copies were served on the California Trucking Association, Western Motor Tariff Bureau, Pacific Motor Tariff Bureau and Johns Manville Corporation. The preponderance of cement transportation is performed by cement carriers that participate in rates published by the named tariff bureaus and many cement carriers are members of CTA. CTA, in a letter dated December 11, 1981, stated that it is opposed to ex parte consideration and requests that the matter be set for public hearing. CTA's letter cannot be considered as a valid protest as it does not comply with Rule 42.2 of the Commission's Rules of Practice. That rule requires that a protest set forth the specific facts upon which the protest is based; and the protest must be verified and contain a certificate of service. In the circumstances no acceptable protest has been filed.

Findings of Fact

1. The needs of commerce require the departure from the minimum rates to assure the continued truck movement of cement from Victorville to Watson.

2. The proposed rate is reasonable and justified by transportation conditions different from those existing when rates in MRT-10 were established.

3. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.

4. A public hearing is not necessary.

Conclusion of Law

The application should be granted.

O R D E R

IT IS ORDERED that:

1. Par Trucking, Inc. is authorized to publish and file in Western Motor Tariff Bureau, Inc. Agent, Local Freight Tariff 17, Cal. P.U.C. 21, to expire with February 1, 1983, a rate of 44 cents per 100 pounds, minimum weight 52,000 pounds for the transportation of cement, in bulk, from Victorville to Watson.

2. Tariff publications authorized to be made as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than 5 days after the effective date of this order on not less than 5 days' notice to the Commission and to the public.

3. Par Trucking, Inc., is authorized to depart from the provisions of PU Code Section 461.5 to the extent necessary to establish and maintain the rate authorized by this order.

A.61055 T/DC/AFM/WPSC

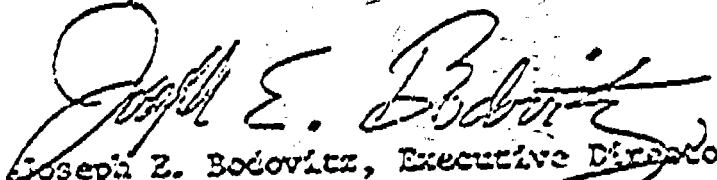
4. The authority granted shall expire unless exercised within 60 days after the effective date of this order.

This order becomes effective 30 days from today.

Dated FEB 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. CRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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


Joseph Z. Bodovitz, Executive Director