

Decision 82 05 049 MAY 17 1982**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Apex Bulk Commodities,)	
a corporation, for authority to)	Application 82-02-03
deviate from the otherwise applicable)	(Filed February 1, 1982;
minimum rates for the transportation)	amended April 1, 1982)
of sand.)	

O P I N I O N

By this application, as amended, Apex Bulk Commodities, a California corporation, requests authority to deviate from the applicable provisions of Minimum Rate Tariff (MRT) 17-A in connection with the transportation of bulk sand in dump truck equipment for Brockway Glass Company, Inc. from P. W. Gillibrand Company at Simi Valley to Pomona.¹

The application is based upon special conditions and circumstances, such as volume movement and cost reductions developed by the efficiencies of maximum equipment use.

Revenue and expense data submitted by the applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rate.

¹ The present and proposed rates per ton are:

Minimum Rate	Proposed Rate
<u>Min. Wt. 26 Tons</u>	<u>Min. Wt. 26 Tons</u>
\$5.90 + 16-1/2% S/C	\$5.72

This proposal meets the guidelines of the Commission's Energy Efficiency Plan and will not significantly affect energy efficiency within the meaning of Public Utilities Code §§ 3502.1 and 3502.2.

The application and amendment were listed on the Commission's Daily Calendars of February 5 and April 5, 1982, respectively. Applicant has served copies of both on California Trucking Association and California Dump Truck Owners Association. No objection to the granting of the application, as amended, has been received.

The Commission's Transportation Division staff has recommended that the application, as amended, be granted subject to the provisions set forth in attached Appendix A.

Findings of Fact

1. Applicant's transportation involves unique circumstances.
2. Applicant's costs for this transportation are less than those used to set the rates in MRT 17-A.
3. The proposed rate is reasonable.
4. A public hearing is not necessary.
5. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.

Conclusions of Law

1. The application, as amended, should be granted as set forth in the following order.
2. Since transportation conditions may change, this authority should expire in one year.
3. Because there is an immediate need for this rate relief, the effective date of this order should be the date of signature.

O R D E R

IT IS ORDERED that:

1. Apex Bulk Commodities, a California corporation, may depart from the rates in MRT 17-A by charging not less than the rates in Appendix A.

2. This authority shall expire one year after the effective date unless extended by the Commission.

This order is effective today.

Dated MAY 17 1982, at San Francisco, California.

JOHN E. BRYSON

President

RICHARD D. CRAVELLE

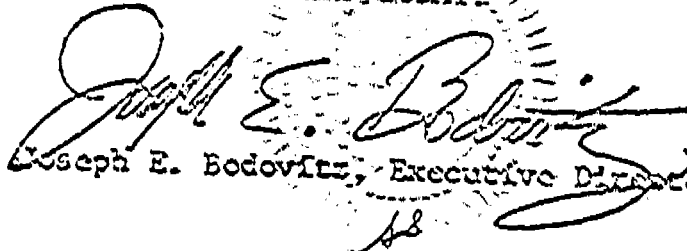
LEONARD M. CRIMES, JR.

VICTOR CALVO

PRISCILLA C. CREW

Commissioners

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


Joseph E. Bodovitz, Executive Director

APPENDIX A

Carrier: Apex Bulk Commodities
Shipper: Brockway Glass Company, Inc.
Commodity: Sand in bulk
From: Simi Valley
To: Pomona
Rate: \$5.72 per ton (.286 per hundred pounds)
Minimum
Weight: 26 tons (52,000 pounds) per unit of carrier's
equipment

Conditions:

1. Applicant has indicated that subhaulers will be engaged; however, no costs for subhaulers have been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rate authorized without any deduction for use of applicant's trailing equipment.
2. In all other respects, the rates and rules in Minimum Rate Tariff 17-A shall apply.

(END OF APPENDIX A)