

Decision 82 05 050 MAY 17 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Apex Bulk Commodities, a corporation, for authority to deviate from the otherwise applicable minimum rates in the transportation of Gypsum for the account of Monolith Portland Cement Company.)	Application 82-02-14
)	(Filed February 5, 1982;
)	amended March 29, 1982)
)	

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) 7-A in connection with the transportation of crude gypsum in dump truck equipment for Monolith Portland Cement Company from U.S. Gypsum Company at Plaster City to Monolith.¹

Applicant was previously granted authority to assess a less-than-minimum rate of \$16.55 per ton, minimum 24 tons for this same haul by Decision (D.) 93333 dated July 22, 1981 in Application 60470. The authority granted was "based upon special conditions and circumstances, such as: bulk loading and unloading without carrier's assistance; volume movement with facilities operating 24 hours per day, seven days per week; and cost reductions developed by the efficiencies of maximum equipment utilization." Ordering Paragraph 2 of the decision provides that the authority shall expire July 22, 1982.

¹ The present and proposed rates per ton are:

Minimum Rate Min. Wt. 24 Tons	Proposed Rate Min. Wt. 24 Tons
\$18.51 + 16-1/2% S/C	\$13.00

The instant application states that experience has proven the haul to be desirable for all parties concerned and that the anticipated tonnage is to be increased by several loads a week. It asserts that all of the special conditions referred to in D.93333 continue to exist and that the proposed rate is reasonable.

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

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 9 and March 31, 1982, respectively. Applicant has served copies of both on the California Trucking 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 conditions 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 7-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 7-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. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
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: U.S. Gypsum Company
Commodity: Crude Gypsum
From: Plaster City
To: Monolith
Rate: \$13.00 per ton (.65 per hundred pounds)
Minimum
Weight: 24 tons (48,000 pounds) per unit of carrier's
equipment

Conditions:

1. Loading and/or unloading time in excess of one hour to be charged at the rate of \$4.20 for each 15 minutes or fraction.
2. Applicant has indicated that subhaulers may 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.
3. In all other respects, the rates and rules in Minimum Rate Tariff 7-A shall apply.

(END OF APPENDIX A)