

Decision 82 05 052 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)	Application 82-02-28
minimum rates for the transportation)	(Filed February 16, 1982;
of gypsum for the account of General)	amended April 1, 1982)
Portland, Inc.)	

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 for General Portland, Inc. from U.S. Gypsum Company at Plaster City to Los Robles.¹

The application is 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 use.

¹ The present and proposed rates per ton are:

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

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 18 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 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.

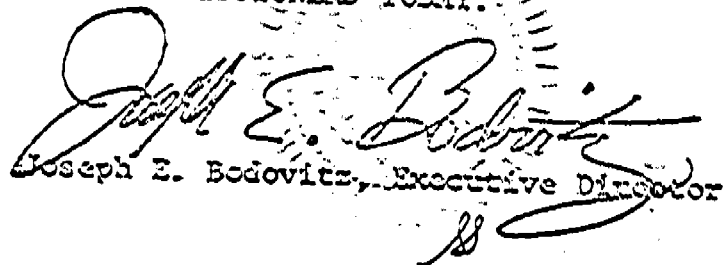
2. This authority shall expire one year after the effective date unless extended by the Commission.

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, a corporation

Shipper: General Portland, Inc.

Commodity: Crude Gypsum

From: Plaster City

To: Los Robles

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)