

ORIGINAL

Decision 82 08 033 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of George Kishida, Inc.)
 a California Corporation, for)
 authority to depart from the rates)
 and regulations of Minimum Rate)
 Tariff 7A pursuant to the provis-)
 ions of Section 3666 of the Public)
 Utilities Code, for the transport-)
 ation of roofing filler from Rancho)
 Cordova, Ca. to Wilmington, Ca. to)
 Martinez, Ca. for Bird & Son, Inc.)
 and a second movement from point of)
 origin #1 to an established point)
 of destination south #2 & roofing)
 granules from Corona, Ca. to)
 Martinez, Ca. for Bird & Son Inc.)

Application 82-04-49
(Filed April 23, 1982)

O P I N I O N

Applicant seeks authority to assess less than the minimum rates set forth in Minimum Rate Tariff (MRT) 7-A for the transportation of roofing filler from Rancho Cordova to Bird & Son, Inc. located at Wilmington and a return movement of roofing granules from Corona to Bird & Son, Inc. located at Martinez. Applicant also seeks authority to assess less than the minimum rates in MRT 7-A for a movement of either granules or filler for a distance of 123.0 miles, but the origin and destination are not specifically identified in the application.

The application does not disclose whether applicant has authority to operate as a dump truck carrier. A review of the Commission's files discloses that it does in fact have a dump truck carrier permit.

The application states that the minimum rates for this transportation are provided in Item 290 of MRT 7-A and are as follows:

<u>Origin</u>	<u>Destination</u>	<u>Mileage</u>	<u>Rate per Ton In Dollars*</u>	<u>Minimum Weight In Tons</u>
Rancho Cordova	Wilmington	423.0	28.32	24
Corona	Martinez	439.0	28.94	24
#1	#2	123.0	8.91	24

*All rates are subject to a 16-1/2% surcharge.

Applicant's proposed rates for the three hauls are \$21.80, \$16.10, and \$10.38 per ton respectively with each rate being subject to a minimum weight of 26 tons.

The application contains a diagram that shows that the round-trip mileage from Rancho Cordova and return via Wilmington, Corona, Martinez, and applicant's terminal is 1,013 miles of which 862 are loaded and 151 are empty. A similar diagram shows that the round-trip mileage from origin #1 and return via destination #2, Corona, Martinez, and applicant's terminal is 974 miles of which 562 are loaded and 412 are empty.

The proposed rates are based upon the following facts and circumstances:

1. Loading at all origins will be by overhead bunkers and will take approximately 25 to 30 minutes per load.

2. Unloading involves use of a grizzly (Pit) and conveyor system, and takes approximately 40 to 45 minutes.
3. Transportation will occur on a regular basis with a minimum movement of one to five truckloads per day, 5-7 days per week.

Exhibits A and B, attached to the application, comprise a cost study with respect to the subject transportation. The study indicates that the transportation at the proposed rates will be compensatory.

Exhibit C contains cost data with respect to 21 carriers who desire to participate in the subject transportation as underlying carriers for applicant. The cost data indicate that compensation at 95% of the sought relief will be compensatory to the underlying carriers.

A copy of the application was served upon the California Trucking Association and was noticed on the Commission's Daily Calendar of April 27, 1982. No protests to the granting of the application have been received.

The assigned administrative law judge (ALJ) contacted applicant's vice president by telephone and informed him that the relief requested for the movement from the unspecified origin and unspecified destination could not be granted until the specific origin and destination were furnished. Applicant's vice president informed the ALJ that he did not desire to amend the application at this time.

Findings of Fact

1. Applicant possesses a dump truck carrier permit.
2. Applicant seeks authority to assess rates less than the minimum rate set forth in MRT 7-A for the transportation of roofing filler from Rancho Cordova to Bird & Son, Inc., Wilmington and roofing granules from Corona to Bird & Son Inc., at Martinez. Applicant also desires to assess rates less than the minimum from an unspecified origin to an unspecified destination.

3. The rates proposed by applicant are as follows:

<u>Origin</u>	<u>Destination</u>	<u>Rate per Ton In Dollars</u>	<u>Minimum Weight In Tons</u>
Rancho Cordova	Wilmington	21.80	26
Corona	Martinez	16.20	26
Unspecified	Unspecified	10.28	26

4. Loading and unloading at all points will be by gravity. Time to load will be approximately 25 to 30 minutes and time to unload will be approximately 40 to 45 minutes.

5. Transportation will be on a regular basis with a movement of one to five loads per day 5 to 7 days per week.

6. Cost data submitted with the application indicate that transportation at the proposed rate will be compensatory.

7. Cost data with respect to the carriers desiring to participate as underlying carriers indicate that compensation at 95% of the sought rate will be compensatory.

8. A public hearing is not necessary.

9. The proposed rates from Rancho Cordova to Wilmington and from Corona to Martinez are reasonable provided the transportation is performed on a round-trip basis.

10. Applicant does not desire to amend the application to specify the origin and destination of the movement wherein a rate of \$10.28 per ton is proposed. Without such information we cannot grant that portion of the application.

Conclusions of Law

The Commission concludes that the application should be granted to the extent set forth in the following order. To the extent not granted the application should be denied. Since there is an immediate need for the sought relief the effective date of the order should be today.

O R D E R

IT IS ORDERED that:

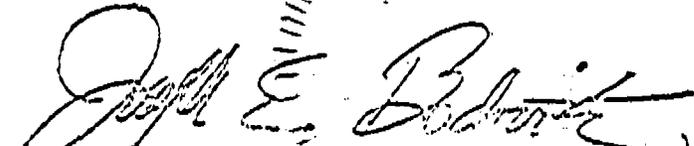
1. George Kishida, Inc. is authorized to depart from the provisions of MRT 7-A to the extent set forth in Appendix A attached.
 2. The authority granted shall expire one year after the effective date of this order unless sooner canceled or extended by order of the Commission.
 3. In all other respects the provisions of MRT 7-A shall apply.
 4. To the extent not granted Application 82-04-49 is denied.
- This order is effective today.

Dated AUG 4 1982 , at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. CRIMES, JR.
VICTOR GALVO
PRISCILLA C. GREW
COMMISSIONERS

Commissioner Richard D. Cravollo, being necessarily absent, did not participate in the disposition of this proceeding.

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


Joseph E. Bodovitz, Executive Director

APPENDIX A

Carrier: George Kishida, Inc.
Commodity: Roofing granules (stone, crushed).
Origin: Rancho Cordova, California.
Destination: Bird & Son, Inc., Wilmington.
Rate: \$21.80 per ton.
Minimum Wght.: 26 Tons.
Commodity: Roofing filler (stone, crushed).
Origin: Corona, California.
Destination: Bird & Son, Inc., Martinez.
Rate: \$16.20 per ton.
Minimum Wght.: 26 Tons.

The authority is restricted to round-trip movements consisting of a southbound shipment from Rancho Cordova to Wilmington and a northbound shipment from Corona to Martinez.

Payments to Subhaulers

The below listed subhaulers shall be paid no less than 95% of the rate authorized:

Jim Yamauchi T-93641	Gary Grimes T-110604	C. Shipes T-132773	Adrin Polk T-122362
Wesley Lawce T-93642	Tom Kiriu T-93630	John Boggs T-123308	Mickey Shirakawa T-93636
Louis J. Rivera T-82318	Ralph Jensen T-130756	Paul Leary T-135300	Ramon Gonzalez, Jr. T-117674
Geo. Moore T-127316	Donald Hieb T-93627	Chattin Soule T-124178	Antonio Gonzalez T-111305
Kenneth Cossins T-97574	Dave Buell T-134197	Lonnie Vaux T-134300	Albert Berchtold T-111305
Nobuo Kishida T18093	Joe Utz T-119697		

Subhaulers other than the above shall be paid no less than 95% of the applicable minimum rate.

(END OF APPENDIX A)