

Decision 82 10 030 OCT 6 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
for the purpose of considering and )  
determining minimum rates for )  
transportation of rock, sand, and )  
gravel, in bulk, in dump truck )  
equipment in Northern California )  
as provided in Minimum Rate Tariff )  
20 and Northern California )  
Production Area and Delivery Zone )  
Directory 2, and the revisions or )  
reissues thereof. )

Case 9820  
Petition for Modification 20  
(Filed January 8, 1982)

SUPPLEMENTAL OPINION AND ORDER

A decision dated today in this proceeding found that rates and charges in Minimum Rate Tariff 20 (MRT 20) should be made subject to an increase of six percentage points and amendment of the tariff should be accomplished by separate order.

IT IS ORDERED that:

1. MRT 20 (Appendix A to Decision (D.) 81799, as amended) is further amended by incorporating Supplement 20, attached, to become effective October 17, 1982. ✓

2. Common carriers subject to the Public Utilities Act, to the extent that they also are subject to D.81799, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

3. Common carrier tariff publications made as a result of this order which involve increases shall be effective not earlier than October 17, 1982. All tariff publications must give five days' notice to the Commission and the public.

4. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of Public Utilities Code § 461.5 to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects, D.81799, as amended, shall remain in full force and effect.

6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to MRT 20.

7. The Executive Director shall serve a copy of the tariff amendments on each subscriber to MRT 20.

This order is effective today.

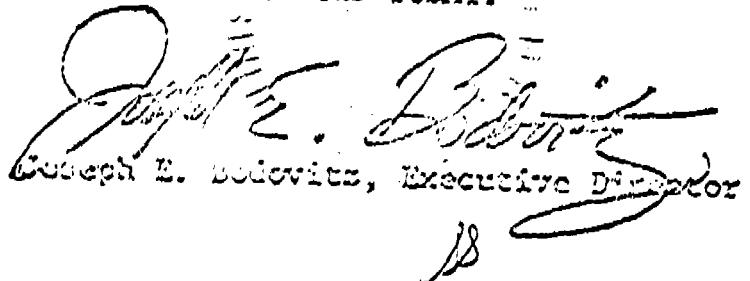
Dated OCT 6 1982, at San Francisco, California.

I will file a concurring opinion.

/s/ LEONARD M. GRIMES, JR.  
Commissioner

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

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

  
Joseph E. Bolovitz, Executive Director

SURCHARGE SUPPLEMENT

SUPPLEMENT 20

(Cancels Supplement 19)

(Supplements 2, 7 and 20 Contain All Changes)

TO

MINIMUM RATE TARIFF 20

NAMING

MINIMUM ZONE RATES AND RULES

FOR THE

TRANSPORTATION OF ROCK, SAND AND GRAVEL

IN FOUR- AND FIVE-AXLE DUMP TRUCK EQUIPMENT FROM  
DEFINED PRODUCTION AREAS TO DESIGNATED DELIVERY ZONES  
IN NORTHERN CALIFORNIA

BY

DUMP TRUCK CARRIERS

Decision No. 82 10 030

EFFECTIVE

10/17/82

Issued by the  
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
State Building, Civic Center  
San Francisco, California 94102

## ◇ APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules of this tariff, and increase the resulting total amount by twenty-three and one-half (23-1/2) percent. (See Exception)

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

1. Items 180 and 190 - Accessorial charges;
2. Items 200 and 220 - (Railhead-to-railhead charges only);
3. Item 280 - Collect on Delivery (C.O.D.) Shipment.

THE END

◇ Increase, Decision No.

82 10 030

C.5437, Pet 315 et al. D.82-10-028  
C.9819, Pet 52 D.82-10-029  
C.9820, Pet 20 D.82-10-030

COMMISSIONER LEONARD M. GRIMES, JR., Concurring:

I concur with the proposed 5% across-the-board increases in MRT 7A, MRT 17-A, and MRT 20 with these reservations. First, I strongly feel that the 5% is a token increase and will not adequately satisfy the dump truckers, especially those with substantial low incomes. There hasn't been an increase in these tariffs since September, 1981. Inflation, fuel, and running costs have escalated dramatically and 5% would not resolve the problem. I would like to have seen a larger increase -- 8% or even 10% -- but I am led to believe that the larger increase would be detrimental at this time, especially with the oppressed state of the construction and road building industry. Secondly, I strongly feel that the representative group of truckers used to obtain the operating ratios that the administrative law judge and staff used to base their proposed increases does not reflect the needs of a large sector of the industry who are one truck owner operators.

In addition, I would like to see more enforcement directed toward the dump truck industry as long as we remain the regulator. It is an open secret that there is rampant rate cutting and unscrupulous deals being cut under our very nose. Appeals are made to me for help by truckers that I have occasion to meet. Such appeals are especially loud among the minority truckers. I realize that we have installed a hot line for getting information of wrong doings but that will not get past the "barrier of fear" of being denied access to the market place if you are caught "squealing" to the PUC. I know we are short of staff but maybe a few more timely audits, these can be picked at random, and some subsequent fines might signal the industry that our rules are to be obeyed.



LEONARD M. GRIMES, JR., Commissioner

San Francisco, California  
October 6, 1982

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SUPPLEMENTAL OPINION AND ORDER

A decision dated today in this proceeding found that rates and charges in Minimum Rate Tariff 20 (MRT 20) should be made subject to an increase of six percentage points and amendment of the tariff should be accomplished by separate order.

IT IS ORDERED that:

1. MRT 20 (Appendix A to Decision (D.) 81799, as amended) is further amended by incorporating Supplement 20, attached, to become effective ~~September 22, 1982~~ *October 17, 1982*.
2. Common carriers subject to the Public Utilities Act, to the extent that they also are subject to D.81799, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

3. Common carrier tariff publications made as a result of this order which involve increases shall be effective not earlier than ~~September 22, 1982~~ <sup>October 17, 1982</sup>. ~~The authority for reductions shall expire unless exercised within 90 days after the effective date of this order.~~ All tariff publications must give five days' notice to the Commission and the public.

4. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of Public Utilities Code § 461.5 to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects, D.81799, as amended, shall remain in full force and effect.

6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to MRT 20.



◊ APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules of this tariff, and increase the resulting total amount by twenty-two and one-half (22-1/2) percent. (See Exception)

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

1. Items 180 and 190 - Accessorial charges;
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