

Decision 83 01 060 JAN 19 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Charles D. Tobey, )  
 doing business as C & M Trucking, )  
 for authority to deviate from the )  
 minimum rates and rules established )  
 for the transportation of Asphaltic )  
 Concrete in MRT 17-A and MRT 7-A. )

Application 82-08-42  
 (Filed August 20, 1982;  
 amended November 18, 1982)

ORDER AMENDING INTERIM DECISION 82-09-102

Interim Decision (D.) 82-09-102 dated September 22, 1982 granted temporary authority to Charles D. Tobey, an individual doing business as C & M Trucking, to charge less than the applicable rates in Minimum Rate Tariffs (MRTs) 7-A and 17-A for the transportation of asphaltic concrete for Huntmix, Inc. from the shipper's new plant in Irwindale to a construction project at Berths 121-126 in Los Angeles Harbor. The decision provides that the interim authority shall expire January 20, 1983. It further provides that the matter will be set for hearing to, among other things, receive evidence regarding performance and cost data experienced by Tobey and sub-haulers he engages in providing this transportation. Appendix A of the decision sets forth the authorized rates and conditions to which they are subject. Condition 2 provides that Tobey may pay 14 sub-haulers named in Condition 3 95% of the authorized rates and deduct an additional 20% for the use of his trailing equipment. Condition 3 also provides that any other sub-haulers used for this transportation shall be paid not less than the authorized deviated rates. Appendix B of the decision lists the performance data to be recorded and presented at the hearing. As stated in the decision, it was estimated that the hauling would commence around early October 1982.

The amendment to the application filed November 18, 1982 states that there has been a delay in the construction of a breakwater which must be completed before base and paving materials can be used by the harbor project. It further states that the delivery of the asphaltic concrete will now commence around January 15, 1983. Because of this delay, the amendment seeks a 120-day extension of the interim authority. Attached to the amendment is a list of subhaulers who wish to be added to the 14 named in Appendix A. Tobey requests that this be authorized.

Both Ordering Paragraph 1.c. and Appendix B of D.82-09-102 require Tobey to furnish the Commission with the performance data listed in this appendix for the first 750 loads transported at the authorized interim rates. The Commission's Transportation Division has advised that performance data for the first 500 loads would be sufficient and has recommended this change.

We find that the requested time extension, additions to the subhauler list, and change in the volume of performance data required are reasonable. We conclude that they should be granted. Because there is an immediate need for the sought authority, the following order should be made effective on the date it is signed.

IT IS ORDERED that:

1. The expiration date of Interim D.82-09-102 is extended to May 20, 1983, unless sooner canceled by the Commission after hearing.

2. Appendix A of D.82-09-102 is amended by replacing Condition 3 of the appendix with attached Revised Condition 3.

3. Ordering Paragraph 1.c. and Appendix B of D.82-09-102 are amended to provide that Tobey shall furnish the Commission with the required detailed performance data for the first 500 loads transported at the authorized interim rates.

4. In all other respects D.82-09-102 shall remain in full force and effect.

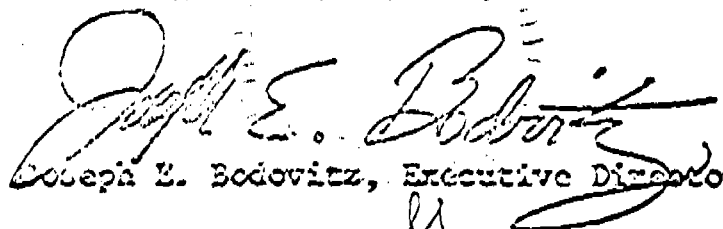
This order is effective today.

Dated JAN 19 1985, at San Francisco,  
California.

LEONARD M. CRIMES, JR.  
President  
PRISCILLA C. GREW  
DONALD VIAL  
Commissioners

Commissioner Victor Calvo,  
being necessarily absent, did  
not participate

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

  
Joseph E. Bodovitz, Executive Director  
*js*

REVISED CONDITION 3 OF APPENDIX A  
TO DECISION 82-09-102

## Conditions:

3. If any subhaulers other than those named below are employed, they shall be paid not less than the authorized deviated rates.

T-129,601	Robert C. Neff
T-130,710	Abel R. Reyes
T- 76,310	Olaguilbel Gomez
T-134,627	Earnest Hatcher
T- 88,531	Robert M. Pfaff
T-126,248	William R. Atkins
T-138,365	Joseph A. Peterson
T-114,907	Frank, Arturo, and William S. Cardona
T-125,313	Billy Harrison and James Parker
T-117,970	Simon Bibayoff
T- 88,571	Gerald G. Gross
T- 69,688	Russell Tjarks
T-115,937	Robert E. Atkin
T-107,182	William A. Keseloff
T-125,549	Charles E. Batups
T-134,184	Allen Millendar, Jr.
T-134,294	James C. Hall
T-135,714	Archie Crumb
T-108,794	George Tellechea
T-127,038	James W. Lidyoff
T-133,783	Patricia Boughner & John Phye
T-135,004	Sharon K. Richart & Dale L. Renner
T-114,980	James M. Owens
T-129,833	Howard Beech
T-137,055	Brian P. Glynn
T- 97,826	Jack M. Lidyoff
T-120,318	Fred D. Aampa
T-131,630	George Lindner
T-107,048	Antonio Garcia
T-107,096	Ramon Diaz
T- 63,191	Thomas F. Wilford
T-112,441	John Abel
T- 65,796	Anthony Pennington
T-119,117	Gregory Roehr
T- 97,341	John H. Monreal