

ORIGINAL

Decision S3 06 053 JUN 15 1983

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, gravel
and related items in bulk, in dump
truck equipment in Southern California
as provided in Minimum Rate Tariff
17-A and Southern California
Production Area and Delivery Zone
Directory 1, and the revisions or
reissues thereof.

Case 9819
Petition for Modification 60
(Filed March 17, 1983;
amended May 6, 1983)

O P I N I O N

H. G. Penton Material Company (petitioner), a California corporation requests modification of Minimum Rate Tariff 17-A (MRT 17-A) by establishing rates for the transportation of rock, sand, and gravel from San Diego County Production Area 37-H to various delivery zones in San Diego County.

A copy of the petition was served on 4 trucking associations having members who perform dump truck operations in the involved area and on several business associations whose members either produce or use rock products. Notice of filing of the petition appeared on the Commission's Daily Transportation Calendar of March 21, 1983. No protest to the petition has been received.

MRT 17-A names minimum rates for the transportation by dump truck carriers of certain commodities including rock, sand, and gravel. The tariff contains zone rates which apply from defined production areas to designated delivery zones via a network of routes over most legally traversable highways in the southern California areas where the rates apply.

Petitioner presently operates production facilities located in areas adjacent to Production Area 37-H. It markets rock, sand, and gravel from those facilities to consignees located in all San Diego County delivery zones.

Petitioner's new facility, located in Carroll Canyon in Production Area 37-H, has been under construction for a year and a half and is scheduled to open July 1, 1983. Zone rates from the new facility to all San Diego County delivery zones will be required so that petitioner may compete effectively with other producers in the same general marketing area.

Zone rates from this Production Area to 191 San Diego County delivery zones are presently published in Section 8 of MRT 17-A. If this petition is granted, rates would be established to 92 additional zones. Petitioner asserts that zone rates to all San Diego County delivery zones are now provided from at least 12 other production areas.

The Commission's Transportation Division has reviewed the petition and recommends it be granted without hearing.

Establishment of zone rates from petitioner's facility will not cause any rate discrimination because producers of the same commodities in the same marketing area already have the benefit of zone rates to all San Diego County delivery zones.

Findings of Fact

1. MRT 17-A names minimum rates for the transportation by dump truck carriers of certain commodities including rock, sand, and gravel via a network of routes over most legally traversable highways in southern California.

2. Section 8 of MRT 17-A presently names rates for the transportation of rock, sand, and gravel from Production Area 37-H to 191 San Diego County delivery zones.

3. Petitioner's new production facility located in Carroll Canyon in Production Area 37-H will be operative July 1, 1983. Petitioner intends to market rock, sand, and gravel from the new facility to all delivery zones in San Diego County.

4. The rates adopted in the following order will result in just, reasonable, and nondiscriminatory minimum rates for the transportation involved.

5. A public hearing is not necessary.

6. The following order has no reasonably foreseeable impact on the energy efficiency of dump truck carriers.

Conclusion of Law

The petition should be granted to the extent provided in the following order.

O R D E R

IT IS ORDERED that:

1. MRT 17-A (Appendix C of Decision (D.) 80578, as amended) is further amended by incorporating Eighth Revised Page 8-G and Eighth Revised Page 8-H, attached, to become effective 25 days after the effective date of this order.

2. Common carriers subject to the Public Utilities Act, to the extent that they are also subject to D.80578, as amended, are authorized to establish in their tariffs the rates and routes necessary to conform with the further revisions ordered by this decision.

3. Tariff publications required to be made by common carriers as a result of this order shall be filed on not less than 5 days' notice to the Commission and to the public if filed not later than 60 days after the effective date of the minimum rate tariff pages incorporated in this order.

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.80578, 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 17-A.

7. The Executive Director shall serve a copy of the tariff amendments on each subscriber to MRT 17-A.

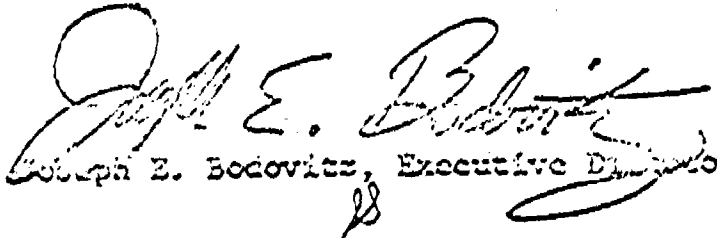
This order becomes effective 30 days from today.

Dated JUN 15 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

SECTION 8 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-G
 TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
37101	349	37208	389	37338	200	37413	92	37509	321	37904	220		
37102	372	37209	363	37339	216	37414	139	37510	334	37905	222		
37103	321	37210	338	37340	240	37415	74	37511	324	37906	253		
37104	334	37211	313	37341	269	37416	114	37512	303	37907	246		
37105	363	37212	296	37342	229	37417	75	37513	279	37908	274		
37106	352	37213	281	37343	235	37418	93	37514	253	37909	266		
37107	319	37214	306	37344	181	37419	119	37515	223	37910	247		
37108	312	37215	270	37345	155	37420	119	37516	231	37911	241		
37109	294	37216	255	37346	136	37421	108	37517	211	37912	212		
37110	271	37217	248	37347	117	37422	154	37518	214	37913	210		
37111	254	37218	262	37348	109	37423	166	37519	191	37914	232		
37112	270	37219	271	37349	113	37424	160	37520	164	37915	250		
37113	291	37220	266	37350	123	37425	137	37521	179	37916	270		
37114	314	37301	347	37351	141	37426	113	37522	203	37917	276		
37115	284	37302	312	37352	170	37427	139	37523	250	37918	249		
37116	277	37303	335	37353	160	37428	147	37524	283	37919	283		
37117	286	37304	321	37354	142	37429	128	37525	325	37920	258		
37118	323	37305	322	37355	136	37430	159	37526	263	37921	269		
37119	367	37306	307	37356	122	37431	115	37527	249	37922	292		
37120	372	37307	290	37357	122	37432	131	37528	237	37923	282		
37121	386	37308	194	37358	113	37433	121	37529	218	37924	258		
37122	399	37309	214	37359	97	37434	140	37530	199	37925	261		
37123	378	37310	197	37360	83	37435	170	37531	223	37926	281		
37124	390	37311	228	37361	96	37436	178	37532	241	37927	299		
37125	352	37312	248	37362	113	37437	178	37533	277	37928	337		
37126	351	37313	269	37363	131	37438	181	37534	261	37929	306		
37127	332	37314	265	37364	71	37439	180	37535	231	37930	288		
37128	316	37315	290	37365	82	37440	167	37537	224	37931	276		
37129	336	37316	314	37366	81	37441	159	37538	208	37932	283		
37130	325	37317	304	37367	100	37442	157	37539	199	37933	299		
37131	303	37318	286	37368	117	37443	147	37540	209	37934	286		
37132	304	37319	266	37369	136	37444	155	37541	225	37935	290		
37133	257	37320	243	37370	160	37445	187	37542	288	37940	324		
37134	225	37321	225	37371	186	37446	220	37543	287				
37135	216	37322	239	37372	206	37447	162	37601	284				
37136	202	37323	231	37373	216	37448	150	37602	263				
37137	221	37324	260	37374	225	37449	181	37603	314				
37138	251	37325	251	37375	211	37450	170	37604	313				
37139	262	37326	224	37401	53	37451	186	37605	306				
37140	240	37327	211	37402	50	37452	203	37606	325				
37141	254	37328	191	37403	78	37453	175	37607	348				
37142	267	37329	183	37404	64	37454	171	37608	359				
37143	285	37330	174	37405	211	37501	241	37609	373				
37201	351	37331	174	37406	187	37502	239	37610	330				
37202	371	37332	161	37407	169	37503	257	37611	343				
37203	388	37333	182	37408	152	37504	252	37801	275				
37204	411	37334	166	37409	134	37505	268	37802	295				
37205	439	37335	227	37410	133	37506	284	37901	182				
37206	428	37336	225	37411	119	37507	308	37902	187				
37207	413	37337	208	37412	115	37508	333	37903	204				

NO CHANGE ON THIS PAGE, DECISION NO. 50 50 50 EFFECTIVE 8-9-83

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 CORRECTION SAN FRANCISCO, CALIFORNIA

SECTION 8 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SAN DIEGO COUNTY PRODUCTION AREA 37-M
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE	ZONE RATE
37101 414	37208 371	37338 265	37413 56	37509 276	37904 221
37102 437	37209 345	37339 268	37414 99	37510 289	37905 224
37103 386	37210 320	37340 274	37415 90	37511 279	37906 239
37104 399	37211 295	37341 264	37416 139	37512 258	37907 246
37105 429	37212 278	37342 259	37417 100	37513 234	37908 248
37106 418	37213 263	37343 235	37418 118	37514 208	37909 244
37107 384	37214 322	37344 246	37419 144	37515 178	37910 255
37108 378	37215 286	37345 220	37420 144	37516 185	37911 244
37109 360	37216 250	37346 201	37421 133	37517 166	37912 225
37110 336	37217 243	37347 183	37422 109	37518 149	37913 223
37111 319	37218 248	37348 174	37423 121	37519 146	37914 245
37112 335	37219 247	37349 178	37424 122	37520 118	37915 263
37113 356	37220 232	37350 189	37425 138	37521 134	37916 276
37114 379	37301 363	37351 207	37426 138	37522 158	37917 278
37115 350	37302 377	37352 236	37427 164	37523 205	37918 261
37116 343	37303 362	37353 226	37428 172	37524 238	37919 304
37117 352	37304 337	37354 208	37429 153	37525 280	37920 279
37118 388	37305 338	37355 201	37430 184	37526 220	37921 290
37119 432	37306 359	37356 188	37431 140	37527 206	37922 313
37120 437	37307 355	37357 188	37432 156	37528 194	37923 295
37121 430	37308 259	37358 179	37433 146	37529 175	37924 271
37122 435	37309 280	37359 162	37434 149	37530 163	37925 274
37123 415	37310 263	37360 148	37435 154	37531 193	37926 293
37124 429	37311 294	37361 161	37436 142	37532 210	37927 312
37125 418	37312 314	37362 178	37437 133	37533 239	37928 350
37126 416	37313 334	37363 196	37438 151	37534 230	37929 319
37127 398	37314 330	37364 136	37439 159	37536 200	37930 301
37128 382	37315 355	37365 147	37440 162	37537 194	37931 288
37129 393	37316 336	37366 146	37441 167	37538 178	37932 295
37130 390	37317 320	37367 166	37442 167	37539 169	37933 312
37131 368	37318 302	37368 183	37443 170	37540 188	37934 299
37132 360	37319 282	37369 201	37444 180	37541 199	37935 303
37133 302	37320 287	37370 225	37445 212	37542 245	37940 337
37134 291	37321 289	37371 227	37446 245	37543 254	
37135 281	37322 305	37372 210	37447 187	37601 241	
37136 268	37323 296	37373 217	37448 175	37602 252	
37137 286	37324 324	37374 194	37449 183	37603 275	
37138 317	37325 317	37375 201	37450 178	37604 270	
37139 328	37326 289	37401 118	37451 169	37605 276	
37140 305	37327 276	37402 89	37452 193	37606 294	
37141 319	37328 256	37403 103	37453 196	37607 317	
37142 332	37329 249	37404 84	37454 196	37608 328	
37143 351	37330 239	37405 166	37501 217	37609 342	
37201 388	37331 239	37406 142	37502 194	37610 287	
37202 407	37332 226	37407 124	37503 212	37611 301	
37203 424	37333 247	37408 107	37504 207	37801 244	
37204 447	37334 231	37409 89	37505 221	37802 265	
37205 431	37335 292	37410 88	37506 239	37901 203	
37206 410	37336 291	37411 74	37507 263	37902 208	
37207 395	37337 273	37412 47	37508 288	37903 205	

CHANGE, DECISION NO.

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EFFECTIVE

8-9-83

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

CORRECTION